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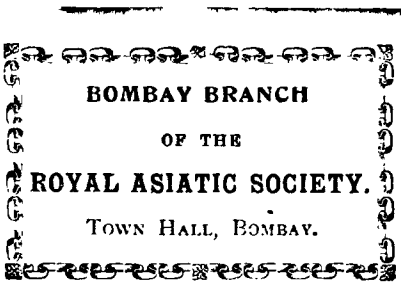

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JOINT COMMITTEE
ON INDIAN CONSTITUTIONAL REFORM

[SESSION 1933–34]

RECORD

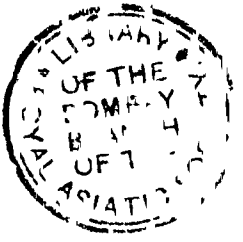
CONTAINING

PAPERS

laid before the Joint Committee on

INDIAN CONSTITUTIONAL REFORM

BY THE SECRETARY OF STATE FOR INDIA



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Papers in this Volume

I – Record containing papers laid before the Joint Committee on Indian Constitutional Reform. C 1 & C 3 (in one)

II – Joint Memorandum Submitted by British Indian Delegation to the Joint Parliamentary Committee on Indian Constitutional reform

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RECORD C1

Papers laid before the Committee by the Secretary of State for India

I.—Memorandum by the Secretary of State for India [25th July, 1934] on the Action contemplated in relation to Family Pension Funds

[This memorandum incorporates and brings up to date the memorandum previously published as Record VII (Session 1932-33).]

1. In paragraph 73 of the introduction to the White Paper it was stated that His Majesty's Government considered that the balances of the Family Pension Funds must be recognised as a definite debt liability of the Government of India and as the property of subscribers; and that they were examining a proposal for the gradual conversion of these assets into separate sterling funds.

2. The Funds referred to do not include various funds, civil and military, which were established in the time of the East India Company under private management. The assets of these Funds were taken over by Government, under powers conveyed by Acts of Parliament, and the pensions at fixed rates guaranteed as charges on the revenues of India. The capital of these Funds therefore no longer exists and the position of persons drawing pension under their rules differs in no way from that of officers in receipt of ordinary retiring pensions.

3. The Funds now under consideration are four in number:—

(1) The Indian Military Service Family Pension Scheme.

(2) The Indian Military Widows' and Orphans' Fund.

(3) The Indian Civil Service Family Pension Scheme.

(4) The Superior Services (India) Family Pension Fund.

The first two are maintained by officers of the Indian Army. Subscription to the first is compulsory on all officers commissioned between 1873 and 1915, and to the second on all officers commissioned since that date. The third Fund, as its name implies, is maintained by the Indian Civil Service, subscription being compulsory on all officers entering since 1881. The fourth was established in 1928 for officers of services, other than the Indian Civil Service, recruited by the Secretary of State in Council, and membership is compulsory on all such officers now entering the services; there is, in addition, a large voluntary membership of officers of similar type who were appointed before the institution of the Fund.

4. The Funds are in all cases self-supporting. Subscriptions are paid into the general balances of the Government of India, and pensions are met from those balances. An account is kept of receipts and payments, and interest is added to the balances at rates determined from time to

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA ON THE ACTION CONTEMPLATED IN RELATION TO FAMILY PENSION FUNDS.

time by the Secretary of State in Council. The liabilities and assets are subjected every five years to actuarial examination, and any necessary alterations in the rates of subscription and benefits are made by the Secretary of State in Council, after consideration of the Actuary's reports.

5. On the basis of the latest available information the receipts and payments during the financial year 1934-35, together with the opening and closing balances at the credit of the several Funds, are estimated as follows:—

——	I.M.S.F.P.	I.M.W.O.F.	I.C.S.F.P.	S.S.(I)F.P.F.	Total.
	£	£	£	£	£
Balance, 1st April, 1934	6,586,000	527,000	4,202,000	503,000	11,818,000
Interest ...	297,000	25,000	191,000	23,000	536,000
Contributions...	73,000	51,000	44,000	38,000	206,000
	6,956,000	603,000	4,437,000	564,000	12,560,000
Payments ...	317,000	7,000	121,000	12,000	457,000
	6,639,000	596,000	4,316,000	552,000	12,103,000

6. In May 1933 circulars were issued to subscribers of all four funds inviting their views on the following suggestions:—

That Commissioners or Trustees should be appointed for the purpose of holding and investing on behalf of subscribers in approved securities, which would presumably be confined to those authorised by the Trustee Act, sums handed over to them; that these Commissioners should be paid annually for this purpose the contributions received during the year and the interest allowed by the Government of India on the balances remaining in its hands, and that money for the payment of pensions as they fall due should be provided by the Government of India out of the balances in its hands, which would thus be gradually reduced.

It was pointed out to the subscribers that by investment in Trustee Stocks it was improbable that the Commissioners would be able to secure a yield equal to the rate of interest allowed on the balances under the existing arrangements, which is based on the current yield of India long-dated sterling securities; that allowance might have to be made, particularly in the present conditions, for capital depreciation of investments, a risk from which the Funds are now exempt; and that as a result it was probable that the proposals would involve some reduction in the rates of pension now payable.

7. The effect of the above proposals would clearly be that the balance in the hands of the Government of India would gradually disappear as it was drawn upon to meet the demands of a growing pension list; while

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA ON THE ACTION CONTEMPLATED IN RELATION TO FAMILY PENSION FUNDS.

a new fund would gradually be built up from the investments made by the Commissioners. The period which would elapse before the transfer was complete, that is to say before the entire balances in the hands of Government had been paid out, would vary with the different Funds. It has been estimated at from 15 to 20 years in the case of the Indian Military Service Family Pension Scheme, and at as much as 40 years in the case of the Indian Military Widows' and Orphans' Fund, with intermediate periods in the other cases.

8. A large majority of the replies received from subscribers indicated a desire for the investment of the balances in sterling securities; but the scheme outlined in the circulars was criticised on the ground that the period elapsing before transfer would be complete was too long. In order to meet this criticism, it is proposed to abandon the scheme whereby the rate of transfer would be regulated automatically by the amount of the annual payments of pension: and to substitute a scheme whereby transfer could be made at any rate allowed by the financial conditions of the time, but subject in any case to the completion of the transfer by a fixed maximum period. It is hoped that, in practice, any maximum period will be inoperative. Should existing financial conditions continue without serious deterioration, it should be possible to complete the transfer within quite a short period after the Constitution Act has been passed and the subscribers and pensioners have expressed their final assent. It will, however, probably be desired that a limit shall be set by statute to the period of transfer; and in fixing this limit it is necessary to consider the possible effects on the exchange position of the Government of India. A scheme of this nature imposes no ultimate charge on Indian Revenues, which are in any case liable to pay the entire balances sooner or later in the form of pensions. It involves, however, the disbursement in sterling within the limits fixed of sums which would otherwise remain a liability to be met at a later date; and such an addition to the sterling requirements, if sufficiently large, might in certain circumstances become embarrassing. It would be imprudent to impose on the finances of the Federation what might prove to be an intolerable burden; and it is thought, therefore, that the statutory maximum period should not be shorter than 12 years. This period is intended only as a limit by which the Government would be bound. As just indicated, it is expected that it will actually prove possible to complete the transfer within quite a short time.

9. It is not contemplated that the Commissioners should have any responsibility for the administration of the pension schemes, or for the collection of subscriptions and disbursement of pensions. The administration would remain in the hands of the Secretary of State, who would decide, after consultation with subscribers, all such matters as rates of contribution or pension, changes in the regulations, &c. The disbursement of pensions and collection of subscriptions would continue to be carried out through the ordinary paying agencies of the Government of India. The function of the Commissioners, therefore, would be solely that of holding and investing money handed over to them, and of supplying from the funds in their hands, when required, money for the payment of pensions.

10. Inasmuch as the proposals, if accepted, would involve a change in the conditions under which members of the Funds have hitherto subscribed, and moreover a change which, in some respects, for instance, in regard to the rate of interest realised, would be to their disadvantage, it is held that

even though a large majority may desire the change it would be inequitable to impose on a minority who are content, as at present, to rely on the credit of the Government of India, the consequences of transfer. It is contemplated, therefore, that before any action is taken on the lines indicated above, circulars should be issued to all subscribers and pensioners setting out, as fully as possible, in the light of actuarial investigations now in progress, the prospects under the present conditions and those, necessarily less favourable, which may be expected if the funds are invested in sterling; and that each subscriber and pensioner should be asked to elect one or other of the two alternatives.

11. It should perhaps be mentioned that it will not be possible to put before the subscribers the precise effects of the election they will be called upon to make. The actuarial reports will show the results on the two suppositions that on the one hand the present arrangements are maintained *in toto* and on the other that the entire funds are invested in sterling. The effect of a reduction in the rate of interest is not, however, the same on all types of policy. It clearly varies with the probable duration of the liability, and must be greater in the case of a young subscriber, in respect of whom it is necessary to take account of possible pensions payable 70 years hence or even later, than in the case of an elderly subscriber or beneficiary. The results obtained for the whole of the funds will therefore only be true of portions of those funds if the portions are true samples of the whole, containing the proper proportion of each class, old and young, subscribers and beneficiaries. If, on the other hand, the result of the elections is to split the funds to a great extent by classes; if, for instance the majority of older subscribers and beneficiaries elect to remain under the existing conditions while the younger choose transfer to sterling investments; then the effects on the two portions of any fund would differ both *inter se* and from the effects ascertained for the fund as a whole. While, therefore, every effort will be made to arrange the material in such a manner as to give the fullest information, it will be necessary to state that the figures must be regarded as to some extent provisional, and that the final effects can only be known after the election is actually made.

12. The division of the various funds each into two portions, which, apart from the highly improbable contingency of a unanimous vote, must be the effect of the election, may produce certain undesirable results. The financial stability of any pension scheme depends on the realisation of the estimates made of the prospects of death, marriage, fertility, &c.; and the smaller the membership the greater is the probability of casual variations from these estimates. There is therefore a danger that, if one or the other portion of any divided fund were a small proportion of the whole, it might produce irregular results, and be found, at a later date, either to be unreasonably large in comparison with its liabilities or, more regrettably, to be inadequate to discharge them. In the case of those who elect for transfer to invested funds no special steps in relation to this possible danger seem necessary; firstly because it is improbable, in view of the opinions already elicited from subscribers as recorded above, that the funds constituted by these subscribers will be unduly small, and secondly because, as the position will have arisen by their own action and largely on their own initiative, it is reasonable that they should bear the consequences. In the case, however, of those who elect to abide by the present conditions it is

felt that they should be protected from any ill-effects consequent on the withdrawal of the majority. It is contemplated, therefore, that if the numbers remaining are in any case too small to offer a reasonable prospect of stability, the fund should be taken over by the Government of India on lines similar to those followed in the case of the Presidency Funds in the last century; that is to say, that the Government of India should assume full possession of the balance on deposit in its hands and should receive, as sums due to Indian revenues and not as deposits, all future contributions; and should guarantee the payment from the revenues of India of pensions at such rate as might be shown, by actuarial valuations specially made for the purpose at the date of taking over, to be justified.

13. The above proposal would involve the possible extinction, in the case of the subscribers or pensioners electing to remain dependent on the Government of India, of their existing right to benefit derived from their accumulated funds, and the substitution of a different right, namely, to fixed benefits payable from the revenues of India. In the case also of those subscribers who elect to rely for their dependants' pensions on funds invested in sterling securities there would be, as has been said above, a material change in the conditions under which they have hitherto subscribed; and though in this case the change will have received the assent of all the individuals concerned, it is desirable, if not essential, that any doubts as to the legitimacy of the action should be set at rest by legal sanction covering both cases.

14. Inasmuch as it is desirable that the measures taken in the case of each fund should accord as closely as possible with the views expressed by subscribers, which may not in all cases be identical, it seems inadvisable to include in the Constitution Act itself definite and final provisions. A form of permissive enactment would appear to be preferable, and it is therefore proposed:—

That His Majesty should be empowered by the Constitution Act to direct by Order in Council the appointment of Commissioners for the purpose of receiving moneys accruing to or belonging to all or any of the Family Pension Funds, and of holding or investing the same for the purposes of the Funds; and to make regulations for the transfer to the Commissioners, in such manner and within such a period as may be prescribed, of the moneys accruing to the Funds and the balances in the hands of the Government of India: provided that the period prescribed shall not exceed 12 years from the 31st March following the passing into law of the Constitution Act: and provided further that the regulations shall not require the transfer to the Commissioners of moneys or balances relating to liabilities in respect of subscribers or pensioners who have signified their objection thereto:

That the interest and dividends received by the Commissioners so appointed on sums invested in their hands shall be declared exempt from Income Tax:

That the Order in Council may prescribe an authority to determine the rate of interest to be added on the balances remaining in the hands of the Government of India:

That the Order in Council may further provide that, in the case of any subscribers and beneficiaries who shall have signified their objections

to the transfer to the Commissioners of the moneys or balances relating to their liabilities, it shall be open to the Secretary of State to grant to the said beneficiaries, or to the dependants of the said subscribers, a right to benefits payable from the revenues of India at fixed rates to be determined by him, and that the moneys and balances aforesaid shall in consideration of such grant lapse to the revenues of India and the Government of India shall be discharged of all liability in respect thereof.

[11TH OCTOBER, 1934.]

RECORD C1 *(continued)*

II.—Government of India, Home Department, Resolution, dated 4th July, 1934

Section 1.—General.

In accordance with undertakings given in the Legislative Assembly the Government of India have carefully reviewed the results of the policy followed since 1925 of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments, and it has been contended that this position cannot be remedied unless a fixed percentage of vacancies is reserved for Muslims. In particular, attention has been drawn to the small number of Muslims in the Railway service, even on those railways which run through areas in which Muslims form a high percentage of the total population.

The review of the position has shown that these complaints are justified, and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services.

2. In considering this general question the Government of India have also to take into account the claims of the Anglo-Indians and domiciled Europeans and of the depressed classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service, and it has been recognised that in view of the degree to which the community has been dependent on this employment, steps must be taken to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing position, which might occasion a violent dislocation of the economic structure of the community. The instructions which follow in regard to the employment of Anglo-Indians and domiciled Europeans in certain departments are designed to give effect to this policy.

3. In regard to the depressed classes it is common ground that all reasonable steps should be taken to secure for them a fair degree of representation in the public services. The intention of the caste Hindus in this respect was formally stated in the Poona Agreement of 1932 and His Majesty's Government in accepting that agreement took due note of this point. In the present state of general education in these classes the Government of India consider that no useful purpose will be served by reserving for them a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the depressed classes are not deprived of fair opportunities of appointment merely because they cannot succeed in open competition.

4. The Government of India have also considered carefully the position of minority communities other than those mentioned above and are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

5. The Government of India propose to prescribe annual returns in order to enable them to watch the observance of the rules laid down below.

GOVERNMENT OF INDIA, HOME DEPARTMENT, RESOLUTION, DATED 4TH JULY, 1934.

Section II.—Scope of Rules.

6. The general rules which the Government of India have with the approval of the Secretary of State adopted with the purpose of securing these objects are explained below. They relate only to direct recruitment and not to recruitment by promotion, which will continue to be made as at present solely on merit. They apply to the Indian Civil Service, the Central Services, Class I and Class II, and the Subordinate services under the administrative control of the Government of India, with the exception of a few services and posts for which high technical or special qualifications are required, but do not apply to recruitment for these services in the Province of Burma. In regard to the railways, they apply to all posts other than those of inferior servants or labourers on the four State-managed railways, and the administrations of the Company-managed railways will be asked to adopt similar rules for the services in these railways.

Section III.—Rules for Services recruited on an All-India basis.

7.—(1) For the Indian Civil Service and the Central and Subordinate services, to which recruitment is made on an all-India basis, the following rules will be observed:—

(i) Twenty-five per cent. of all vacancies to be filled by direct recruitment of Indians will be reserved for Muslims and 8⅓ per cent. for other minority communities.

(ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination; if, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition no reduction will be made in the percentage reserved for Muslims.

(iii) If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the 8⅓ per cent. will be available for Muslims.

(iv) The percentage of 8⅓ reserved for the other minorities will not be distributed among them in any fixed proportion.

(v) In all cases a minimum standard of qualification will be imposed, and the reservations are subject to this condition.

(vi) In order to secure fair representation for the depressed classes duly qualified members of these classes may be nominated to a public service, even though recruitment to that service is being made by competition. Members of these classes, if appointed by nomination, will not count against the percentages reserved in accordance with clause (i) above.

(2) For the reason given in paragraph 2 of this Resolution the Government of India have paid special attention to the question of Anglo-Indians and domiciled Europeans in gazetted posts on the railways for which recruitment is made on an all-India basis. In order to maintain approximately

their present representation in these posts the Anglo-Indian and domiciled community will require to obtain about 9 per cent. of the total vacancies available to members of Indian communities. The Government of India have satisfied themselves that at present the community is obtaining by promotions to these gazetted posts and by direct recruitment to them more than 9 per cent. of these vacancies. In these circumstances it has been decided that no special reservation is at present required. If and when the community is shown to be receiving less than 9 per cent. of these vacancies it will be considered what adjustments in regard to direct recruitment may be required to safeguard their legitimate interests.

Section IV.—Rules for Services recruited locally.

8. In the case of all services to which recruitment is made by local areas and not on all-India basis, e.g., subordinate posts in the Railways, Posts and Telegraphs Department, Customs Service, Income-tax Department, &c., the general rules prescribed above will apply subject to the following modifications:—

(1) The total reservation for India as a whole of 25 per cent. for Muslims and of 8½ per cent. for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area and the rules for recruitment adopted by the Local Government of the area concerned.

(2) In the case of the Railways and Posts and Telegraphs Department and Customs Service in which the Anglo-Indian and domiciled European community is at present principally employed, special provisions described in the next paragraph are required in order to give effect to the policy stated in paragraph 2 above.

9.—(1) (*a*) The Anglo-Indian and domiciled European community at present hold 8·8 per cent. of the subordinate posts on the Railways. To safeguard their position 8 per cent. of all vacancies to be filled by direct recruitment will be reserved for members of this community. This total percentage will be obtained by fixing a separate percentage (i) for each railway having regard to the number of members of this community at present employed, (ii) for each branch or department of the Railway service, so as to ensure that Anglo-Indians continue to be employed in those branches in which they are at present principally employed, e.g. the Mechanical Engineering, Civil Engineering and Traffic Departments. No posts in the higher grades of the subordinate posts will be reserved, and promotion to these grades will be made, as at present, solely on merit.

(*b*) The reservation of 25 per cent. for Muslims and 8 per cent. for Anglo-Indians makes it necessary to increase the reservation of 33⅓ per cent. hitherto adopted for all minority communities, in order to safeguard the interests of minorities other than Muslims and Anglo-Indians. It has been decided, therefore, to reserve for them 6 per cent. of vacancies filled by direct recruitment, which is approximately the percentage of posts held by members of these communities at present. This total reservation will be obtained in the manner prescribed in paragraph 8 (1) of this Resolution and will not be further subdivided among the minority communities.

GOVERNMENT OF INDIA, HOME DEPARTMENT, RESOLUTION, DATED 4TH JULY, 1934.

(2) In the Posts and Telegraphs Department the same principles will be followed as in the case of the Railways for safeguarding the interests of the Anglo-Indian and domiciled European community, which at present holds about 2·2 per cent. of all subordinate posts. It has been ascertained that if a reservation is made for this community of 5 per cent. of the vacancies in the branches, departments or categories which members of this community may reasonably be expected to enter, it will result in securing for them a percentage equal to slightly less than the percentage of subordinate posts which they at present hold. In the departments or branches in which a special reservation is made for Anglo-Indians, the reservation of vacancies for other minorities will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. The total reservation for Anglo-Indians and other minority communities, other than Muslims, will in any case be not less than $8\frac{1}{3}$ per cent.

(3) Anglo-Indians are at present largely employed in subordinate posts in the Appraising Department and in the superior preventive service at the major ports. For the former department special technical qualifications are required, and in accordance with the general principles indicated in paragraph 6 it will be excluded from the operation of these rules. In the Preventive Service special qualifications are required, and the present system of recruitment whereby posts are reserved for Anglo-Indians will be maintained.

RECORD C1 (*continued*)

III.—A Note by the Secretary of State for India [30th November, 1933] on Terrorism in India

1. Members of the Committee will remember that I undertook in the summer to furnish a note which would give a picture of what terrorism actually means, particularly in the Presidency of Bengal. In Bengal terrorism has a 30 years' history and exists on a scale that is quite unparalleled in any other Province. I therefore circulate to the Committee, as Appendix A, a separate and comprehensive note which I have received from India, giving an account of terrorism in Bengal, with full statistics of outrages.

2. A study of this note and of the detailed statistics at the end will show that during the present year the measures taken by the authorities to deal with the terrorist menace in Bengal have begun to bear fruit and have resulted in a considerable drop in the number of serious terrorist crimes. At the same time, outrages still occur, new recruits are still joining the movement, and much yet remains to be done before there can be any slackening of effort on the part of Government, or any relaxation of the measures found necessary by the authorities to deal with those responsible. Past experience has shown that, in the case of the terrorists, nothing can be hoped from a policy of conciliation. The Note shows what has been the result of the decisions to release offenders or relax control which have been taken in the last 13 years. The terrorists who had been interned under the Defence of India Act were all included in the general amnesty of 1920. They merely utilised their freedom to reorganise their forces, and on the failure of Mr. Gandhi's non-co-operation movement of 1920-22 they launched a fresh terrorist outbreak, which by 1925 was so serious that special powers to deal with it had to be taken in the form of the Bengal Criminal Law Amendment Act and Ordinance. Again, by September 1928 all the détenus who had been interned under the Bengal Act had once more been released in view of the lull then existing in terrorist activities. The lull continued until April 1930, and the powers of detention and arrest without trial contained in

the Bengal Act were allowed to lapse at the end of the five-year period provided in that Act. Barely a fortnight later occurred the Chittagong Armoury Raid—the first manifestation of a renewed campaign of violent crime. With these experiences as a warning, it is clear that any change in our present policy towards terrorism would be fraught with disaster.

3. For the rest of India, I have thought it sufficient to circulate, as Appendix B, a list of terrorist outrages in the various Provinces up to the 30th June 1933. In circulating this list I desire to make the following comments only.

Probably the most persistent terrorist organisation outside Bengal is the Hindustan Republican Association, subsequently styled the Hindustan Socialist Republican Association or Army. This was originally started, after the failure of Mr. Gandhi's first mass civil disobedience campaign, by two Bengalis in the United Provinces. The rules of the Association stated that " the object of the Association shall be to establish a Federated Republic of the United States of India by an organised and armed revolution." Each provincial organisation was to have its various departments and each was to concentrate on crimes of violence with a view to collect money and arms; for the enforcement of discipline assassination was made permissible. This Association has since its inception been very loosely knit; at times it has almost ceased to exist, but it has frequently come to notice subsequently, and, as will be seen later, it has even been established in Madras. It has functioned in Bihar, the United Provinces, Punjab and Delhi. There are indications that at present it is entering into an alliance with active communists; its activities require careful watching, but there is no reason to doubt that the police forces in the various Provinces are well equipped to deal with it.

4. Apart from this Association, the manifestations of terrorism in Provinces outside Bengal have in the main been of a sporadic and isolated character. In the United Provinces, which from its geographical situation has always been liable to the permeation of revolutionary influences from Bengal, the most serious incident is that connected with what is known as the Kakori gang, which was largely of Bengali origin. Though the list of attempted outrages is a long one, it is fortunate that in very few cases have they been successful; only one attempt has been made, at Jhansi in August 1930, to assassinate a British officer and that was frustrated without difficulty. In Bihar and Orissa and Assam, where again there have been signs of terrorist activity from time to time, the provincial police have proved themselves to be capable of disposing of any conspiracy within a short space of time and under the powers conferred by the ordinary law. In Bombay the instances of attempted outrages have been too few and isolated to

indicate the presence of any definite terrorist organisation, and it was the considered conclusion of a police officer placed on special duty in 1930–31 to enquire into the extent to which revolutionary doctrines had taken root in the Presidency, that there was no organised party in existence for the purpose of committing political outrages or connected with revolutionary movements in other Provinces. The same is true of the Central Provinces. In Madras there was an outbreak of terrorist crimes in the early part of this year, but timely action by the police, which resulted in the prosecution of 22 persons in the Madras City Conspiracy Case, prevented any furthur spread of this form of activity. The Punjab had to deal with a severe outbreak of revolutionary activity in 1930, and in December of that year an attempt was made to murder the Governor; but following the execution of Bhagat Singh in March 1931 and the passing of the Press Act in October 1931 and the Punjab Criminal Law Amendment Act of 1932, the situation has greatly improved and terrorism may now be considered to be definitely under control. There, as elsewhere, however, constant vigilance is necessary if law and order are to be maintained, for there is reason to apprehend that there is still considerable covert sympathy with the movement among a section of the people, and the scope for recruitment in schools and colleges is substantial. As regards the North-West Frontier Province, it may be pointed out that the population of that Province is predominantly Muslim, while the members of the various terrorist parties are almost all Hindus. Consequently the appeal of organised terrorism has hitherto been small. Though the Pathan is known to be violent by nature and easily moved to assassination by motives of fanaticism or revenge, this is a different matter from the murder clubs which constitute the terrorist groups elsewhere.

5. To sum up, terrorism has its birth in Bengal, and where it has shown its head in other Provinces it can almost invariably be traced to Bengali influences. It is at all events true to say that in no Province but Bengal is there that widespread and deep-rooted terrorist mentality which is essential for its development. It is this which accounts for the fact that when terrorist conspiracies have existed elsewhere Government has been able to deal more promptly and more effectively with them than in Bengal. Gang after gang has been successfully broken up by the Police with no more than the ordinary provisions of the Penal Code to assist them. That remains the position to-day. Efforts, however, are being made to effect a combination of terrorists, communists, and Ghadr Party* conspirators for the purpose of bringing about

* A subversive organisation composed of Sikhs living in California, other parts of North and South America, and also in the Punjab, which is at present favourably viewed by the Communist International.

mass risings in the future. So long as the Police can contrive to obtain inside information regarding these movements, as it may safely be claimed that they have done in the past, there is no great cause for anxiety; but there is still every reason for extreme vigilance.

6. I do not wish to minimise in any way the danger that this terrorist movement may still hold for us. Still less do I wish to convey any impression that we are not conscious of what this sinister campaign of violence has meant to our officers, both British and Indian. There are few parts of India where it has not at times demanded most anxious vigilance and prompt executive action; there are parts, and particularly the province of Bengal, where it has caused a deplorable loss of valuable lives. I cannot pay too high a tribute to the courage and the high sense of duty which has been shown by our officers in facing day by day the dangers and anxieties involved in the long-continued fight against these conspiracies of anarchy and murder.

7. In this connection a word may be said about some of the special measures adopted by the authorities to carry on the fight in Bengal. In paragraph 21 of Annexure A reference is made to the legislative enactments which form the basis of Government action. Under one of these enactments the campaign of incitement to murder in the public Press has been largely checked; under another (as will be seen from Annexure IV) over 2,000 suspects have been arrested. Where serious outrages have taken place and the ends of justice foiled by the hostile or unresponsive attitude of the local inhabitants, collective fines have been imposed or additional police posted at the expense of the appropriate section of the inhabitants. In the particularly difficult district of Chittagong, where absconders from the armoury raid at one time roamed and terrorised the countryside, still stricter measures have been enforced. After the raid two battalions of troops joined forces with the police and maintained constant pressure on the enemy by patrolling the country and searching villages and houses; in addition various restrictions have been imposed from time to time such as curfew orders, the prohibition of the use of bicycles by Hindu youths, and finally the imposition of an "identity card" system, by which the movements of students and young men could be controlled. In addition to these punitive and preventive measures, a constructive attempt has been made, with good results, to improve the morale of the law-abiding citizen and to undermine that of the terrorist by the quartering of two brigades of troops in certain districts of the Presidency.

8. In conclusion, I would draw the attention of the Committee to the relations, limited though they may be, which exist between

terrorism and other subversive movements. The particular relation between communism and terrorism in Bengal is treated in paragraphs 11 and 32 of Appendix A. As regards other Provinces, reference is made in paragraph 3 above to the connection between the Hindustan Socialist Republican Association and communists, and in paragraph 5 to the attempts at a *rapprochement* between communists, terrorists and members of the Ghadr Party. It is unnecessary for me to do more than mention these tendencies; the dangers which have been and may be involved in such combinations are obvious.

[30th NOVEMBER, 1933.]

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APPENDIX A.

Terrorism in Bengal.

SECTION I. 1905–1919.

1. Terrorism in Bengal had its origin in the anti-partition agitation. The original organisers were two brothers, Barindra and Arabinda Ghosh, and they laid the foundations of the main Western Bengal terrorist association, the Jugantar Party. A year or two later one Pulin Behari Das started a similar organisation in Eastern Bengal, out of which evolved the other great terrorist party—the Anushilan Samity. Starting with inflammatory writings in the Press, these terrorist organisations eventually started a campaign of dacoity and murder on a widespread scale, and by 1915 the situation had grown so serious that very drastic powers had to be taken under the Defence of India Act to enable the police to deal with the menace. It is unnecessary to deal in any further detail with this early period of terrorist history, for it was exhaustively dealt with in the report of the Committee appointed in December 1917 under the presidentship of the Hon'ble Mr. Justice Rowlatt.

The Committee summarised the position as follows :—

> "Since the year 1906 revolutionary outrages in Bengal have numbered 210 and attempts at committing such outrages have amounted to 101. Definite information is in the hands of the Police of the complicity of no less than 1,038 persons in these offences. But of these only 84 persons have been convicted of specified crimes in 39 prosecutions, and of these persons 30 were tried by tribunals constituted under the Defence of India Act. Ten attempts have been made to strike at revolutionary conspiracies by means of prosecutions directed against groups or branches. In these prosecutions 192 persons were involved, 63 of whom were convicted. Eighty-two revolutionaries have rendered themselves liable to be bound over to be of good behaviour under the preventive sections of the Criminal Procedure Code. In regard to 51 of these, there is direct evidence of complicity in outrages. There have, moreover, been 59 prosecutions under the Arms and Explosives Acts which have resulted in convictions of 58 persons."
>
> "The main reason why it has not been possible by the ordinary machinery of the criminal law to convict and imprison on a larger scale those guilty of outrages, and so put down crime, is simply want of evidence. There have been 91 dacoities since 1907, of which 16 were accompanied by murder, and from 1st January 1915 to 30th June 1916 there were 14 murders, 8 of them being of police officers, for which it has not been possible to put anyone upon trial. This difficulty in obtaining legal evidence has been no doubt greatly enhanced by terrorism. But apart from that the inherent difficulties are formidable."

Then after an exhaustive examination of the difficulties, they found that it would be necessary to provide for the continuance, with certain limitation, of the powers conferred by the Defence of India Act. "By these means alone," they wrote, "has the conspiracy been paralysed for the present, and we are unable to devise any expedient, operating according to strict judicial forms, which can be relied on to prevent its reviving, to check it if it does revive, or, in the last resort, to suppress

it anew. This will involve some infringement of the rules normally safeguarding the liberty of the subject. We have endeavoured to make that infringement as small as we think possible consistently with the production of an effective scheme." Again they wrote :—" The powers we suggest for dealing with future emergencies must be ready for use at short notice. They must, therefore, be on the statute book in advance. That fact alone is calculated to have some moral effect. To postpone legislation till the danger is instant is, in our view, to risk a recurrence of the history of the years 1906–17."

A Bill was, accordingly, drafted on the lines recommended, and passed in the Assembly in Delhi in March 1919 as the Revolutionary and Anarchical Crimes Act, 1919. The Act was stillborn, but the accuracy of the findings of the Committee has been proved by subsequent events.

2. Before the Rowlatt Committee had concluded their labours, a committee of two judges of the High Courts (viz. Chandravarkar and Beachcroft, JJ.), respectively, of Bombay and Calcutta, was appointed to examine and report on the cases in which the Local Government had taken action under the Defence of India Act. Between June 1916 and November 1919, 1,029 persons had been interned under the Act, and the judges after examining over 806 cases advised that in only six of them did they think that there were not sufficient grounds for believing that the persons concerned had acted in a manner prejudicial to the public safety or the defence of British India. This was a striking testimony to the care with which the information had been sifted by Government before they took action. The report of these judges also supported the conclusion of the Rowlatt Committee that revolutionary conspiracies of the kind which occurred in Bengal cannot be checked by the ordinary processes of the law. After discussing the special conditions of the problem, they wrote, " Under these circumstances, it is impossible to secure a fair trial by the procedure of the Evidence Act and the Criminal Procedure Code which is appropriate only to normal conditions of crime. The procedure to deal with revolutionary crime has to be practicable in the sense of being appropriate to its special conditions, so as to secure as fair a trial as is feasible under the exceptional situation."

3. Early in 1920 after the Royal Proclamation of 1919 all those who had been interned under the Defence of India Act were released and the amnesty was extended gradually to most of the leaders of the revolutionary movements.

SECTION II. 1920–1929.

4. The Montagu-Chelmsford Reforms were formally inaugurated by H.R.H. the Duke of Connaught in February 1921. These reforms were followed, in 1922, by the repeal of virtually all the enactments supplementing the Criminal Law except the Seditious Meeting Act, 1911, and Part II of the Indian Criminal Law Amendment Act of 1908. The Rowlatt Act, which had never been put into operation, and the Indian Press Act, were also repealed. The reforms had, however, failed to meet the demands of the extremists and the destruction of the reformed system of government became the avowed object of all the extremist political parties. The period was one of great political and economic difficulty. The high prices prevailing had engendered a vague resentment against the Government, the religious feelings of the Muslims had been greatly disturbed by the misfortunes of Turkey, and political feelings stirred by

events in the Punjab. Mr. Gandhi adroitly took advantage of all these factors to launch his non-co-operation movement in 1920. Schools and colleges and law courts were to be boycotted, titles renounced, national schools and arbitration courts started, foreign goods, and particularly cloth, boycotted, with a view to bring Government to its knees. It took a little time before the full effects of the furious agitation among the masses made themselves felt. Though Mr. Gandhi's ideas were non-violent, his followers gradually got out of control, and the movement eventually led to the shocking tragedy of Chauri Chaura in the United Provinces in February 1922. In Bengal the results of the movement were manifested in the mutiny in the Rajshahi Jail, the exodus of tea garden coolies from Assam, and a strike on the Assam-Bengal Railway and the India General Steam Navigation Co.'s steamer services. In the country districts the agitation was directed largely against the police, including the village police, and in many districts there was a refusal to pay the chaukidari tax and the rents of Government and private landlords. All through, the Press poured forth a torrent of propaganda and abuse and kept the Province in a ferment of excitement.

5. The terrorists, now freed from restraint, were content to watch developments while utilising every opportunity (such as the volunteer movement) of drawing their followers together and extending their influence. Endeavours were made to organise *ashrams* on lines similar to those which played so important a part in former movements. Leading members of the two main organisations were active in every form of propaganda, particularly among the student class. Every cause of unrest was exploited and every centre of agitation utilised for the dissemination of terrorism and capture of new recruits. Many of their leaders obtained responsible positions in district Congress committees and used their positions to consolidate their followers. This penetration of the Congress machine had very important consequences, for it helped them internally in the matter of recruitment and organisation and externally in the matter of public sympathy. The penetration was so rapid that in 1924 the terrorists were in a position to compel the Bengal Provincial Congress to put through a resolution eulogising one Gopi Mohan Shaha, who was executed for assassinating Mr. Day of Calcutta in mistake for Sir Charles Tegart, the Commissioner of Police. The time was to come when there were few districts in the Province where terrorists were not represented on local Congress committees.

6. Being satisfied by Mr. Gandhi's arrest and conviction, in 1922, that his programme had definitely failed, they decided then to resume their campaign of violence. There is reason to believe that the Chittagong Congress of April 1922 was the occasion of the decision to resume violent methods. This second terrorist campaign was ushered in, like the first, by a resumption of terrorist propaganda in the extremist Press. Within a short time of the repeal of the Indian Press Act in March 1922, mushroom vernacular journals like the *Atma Sakti*, the *Sarathi*, the *Mukti Kam*, *Bijali*, and others began to publish articles having a direct or indirect tendency to incite violent hostility against Government and the British. The commonest type of propaganda was to denounce the economic oppression of the British in India, to extol in mystical and sometimes in poetic language freedom and self-sacrifice, and to publish appreciative articles in praise of revolutionaries. This last was a new feature of revolutionary propaganda, and its nature will appear from the

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following extract from the annual report on Indian newspapers in Bengal for the year 1923:—

> "A noteworthy feature in the year under review was the large amount of writing in frank praise of old revolutionaries. The *Ananda Bazar Patrika* referred to them as selfless youths with indomitable resolution, who kindled the lamp of life by undergoing death. The *Prabartak*, in continuation of previous issues, extolled Kanai Lall Dutt (the murderer of the approver Narenda Lal Gossain in the Alipore Conspiracy Case). These are primarily narratives. Highly appreciative biographical notices of Jatindra Mukherjea and his three associates (killed at Balasore in an encounter with the police) now appeared in many papers. It was explained, however, that this laudation did not necessarily imply adoption of their methods. The justification was set forth by the *Sarathi*. The distrust of the people must be removed. To give them such a training, the life stories of self-sacrificing heroic patriots must be recited to them. We may not adopt their methods, but are we not on that account to respect their renunciation, their heroism, and their patriotism?"

7. The Jugantar group was the first to strike. In May 1923 they committed a dacoity with double murder at Kona near Howrah; in the same month the Ultadinghi post office was looted. The same gang committed a robbery with murder at Garpar Road on the 30th July in which firearms were used. The murder of a postmaster at Sankaritola followed. The investigation in this resulted in full corroboration of the information already in the possession of Government, and showed that these outrages were all the work of a particular group of the terrorist party. Seven members of this group were put on trial in the Alipore conspiracy case, but many of the facts in the possession of Government could not be placed before the court and they were eventually acquitted.

The situation after these outrages had been committed was serious. It was clear that the terrorists had been encouraged by the belief that Government could no longer deal with their conspiracies effectively. It was clear also that unless immediate action was taken, Bengal would again be exposed to the dangers of the previous outbreak of revolutionary crime. Accordingly, several of the important suspects, including Subash Chandra Bose, the Chief Executive Officer of the Corporation, were incarcerated under Regulation III of 1818. This action served, however, to check the movement only for the time being. New leaders were found and operations were resumed. In December 1923 a robbery of Rs. 17,000, the property of the Assam-Bengal Railway, was committed at Chittagong by four *bhadralok* youths armed with revolvers. Subsequent investigation showed that certain *bhadralok* youths were hiding in suspicious circumstances in a house in a village at some distance from Chittagong. The search of this house 10 days after the robbery led to the discovery of a number of weapons and ammunition of a foreign make. The attempt to arrest the occupants of the house led to a running fight between them and a body of police and to the arrest of two youths with firearms. An attempt was made to decoy from his house one of the chief witnesses in the robbery case with the intention of murdering him, and on the next evening a sub-inspector who had arrested one of the accused in this case and knew the others by sight, was shot at Chittagong.

Some of the accused in the Alipore conspiracy case stated subsequently that one of the immediate objects of the conspiracy was the assassination

of police officers. In the early part of 1923 persons were found watching the movements of these officers and their residences. These watchers were themselves placed under observation, and traced to places known to be haunts of the conspirators. In January 1924 Mr. Day was murdered in Calcutta, by Gopi Mohan Saha, in mistake for Mr. Tegart (later Sir Charles). In March, a bomb factory was discovered in Calcutta fully equipped with explosives and implements for loading and fitting bomb-shells, of which a number, both loaded and unloaded, were found. The bombs showed a marked advance on anything which had previously come to light. About the same time a young *bhadralok* was severely injured while handling explosives at Faridpur. In July a well-known member was arrested in the streets of Calcutta with a fully-loaded revolver in his possession. At the end of July "Red Bengal" leaflets made their appearance. The first issue announced the initiation of a campaign of assassination of police officers, the second impressed on the political leaders of Bengal the necessity for the existence of an active violence party. This was followed in August by the explosion of a bomb in a *khaddar* shop in Mirzapur Street. The man who actually threw the bomb was pursued and seized and another arrest was made at the same time on the spot.

8. The above is a brief outline of the outward manifestations of the existence of a widespread conspiracy. Apart from these, Government were in possession of information to show that, during the year 1924, the conspirators attempted to assassinate police officers, high Government officials and suspected members of their own organisations. No less than five such attempts were made between July and October, and the escape of the intended victims could only be regarded as providential. In some cases the would-be assassins suspected police vigilance, in others they were thwarted by the unexpected movements of their intended victims. In June 1924 the Bengal Provincial Congress at their meeting at Serajgunj passed a resolution expressing admiration for the spirit of self-sacrifice exhibited by Gopi Mohan Saha. The effects of the resolution were electrical. It was by far the most potent instrument for organisation, and became a perpetual incitement to the youth of Bengal to take to violent ways.

9. The situation towards the end of 1924 had, therefore, become one of considerable anxiety. The existence of a widespread revolutionary movement was hardly disputed; indeed, it was acknowledged by Mr. C. R. Das, the Swarajist leader, himself. It was daily increasing in strength, and as in the years before 1916, ordinary measures had failed to check it. The Local Government felt bound, therefore, to meet the menace by obtaining from the Governor-General the issue of an Ordinance arming the Executive with powers similar to those they had had under the Defence of India Act. A special session of the Legislative Council was called in the following January to pass a Bill to replace the Ordinance, but leave to introduce the Bill was refused by the Council. The Bill was, accordingly, certified by the Governor; under it the special powers were to remain in force for five years. The powers taken were not as wide as under the Defence of India Act. The definition of persons against whom section 11, which allowed of preventive arrest and detention by Executive order, could be used was narrowed to prevent the net being cast too wide, and to avoid the criticism that it was aimed at the Swaraj party. The schedule, of offences in connection with which action could be taken, too, was shortened, and the net result was that it was possible to take action only against active

terrorists as distinguished from recruiters or organisers. Nevertheless, prompt use of these powers, by placing leaders and active members under restraint, enabled Government to bring the movement under control. Between the issue of the Ordinance in 1924 and the end of 1928 only one murder occurred, the brutal murder of a distinguished police officer, Rai Bhupendra Nath Chatterjee Bahadur, Special Superintendent of Police, Intelligence Branch, in the Alipore Jail, in May 1926. Only 187 persons were dealt with under the Act and by September 1928 all had been set free, though a certain number remained for some time longer under restriction orders which limited their movements. When the Act expired in 1930 no use had been made of the special powers for the purpose of making fresh arrests for nearly three years. This result was made possible by the recognition on the part of the terrorist leaders that they were not sufficiently well organised to conduct a campaign against Government. It was not an indication that terrorist activities had ceased.

10. The position in December 1929 was, in fact, that the principal leaders of the two parties—the Jugantar and the Anushilan—had an ambitious scheme for bringing about a general rising. For some time there had been much controversy over the adoption of a resolution by the Congress, favouring complete independence as India's goal. The Congress sessions of 1928 and 1929 afforded opportunities for a meeting of revolutionary leaders all over India, and there is reason to believe that plans for a rising were discussed and given definite shape on these occasions. But the principal revolutionary leaders considered that an adequate supply of arms and man-power had not yet been collected, and were, therefore, in favour of waiting until the deficiencies were supplied. A large number of groups of terrorists led by young hotheads had sprung up, who wanted a campaign of immediate violence launched. As will be seen in the next section, it was the latter who forced the issue.

11. To make this section complete, it is necessary to add a word dealing with the influence of events in Russia on the thought and programme of the terrorists.

The Bolshevik revolution had received the close attention of Indian revolutionaries by reason both of the violent methods on which it was based and also because of its connection with several Indian revolutionaries, of whom the most notable was Narendra Bhattacharya, *alias* M. N. Roy, who had been prominently associated with German plots during the war, and was later maintained by the Third International to organise action in India. Several members of the Anushilan and Jugantar organisations were sent to Europe to study revolutionary methods, and by 1924–25 the influence of this movement is definitely traceable in the ideas and plans of terrorists in general.

In March 1925 definite information was received that Sachindra Sanyal, a notorious revolutionary of the Anushilan party, who was convicted in the Kakori conspiracy case (1926), was in touch with M. N. Roy, from whom he was receiving money. The latter's *Appeal to the Nationalists*, which was an attempt to lead the Congress back to civil disobedience and mass revolution, was distributed at the Belgaum Congress by two members of the All-India Congress Committee. There is also reason to believe that the resolution to establish a "political sufferers' fund," which was thrown out at the Belgaum Congress and passed subsequently at a later session, was inspired by M. N. Roy and adopted by the Jugantar party. A mass of proscribed revolutionary literature addressed to various

revolutionaries continued to be intercepted in the foreign mail. Towards the end of 1925 a party called the "Labour Swarajya Party" was formed, by persons closely connected with the Congress, of which the name was subsequently changed to "The Bengal Labour and Peasants Party." The object of the party was "the attainment of Swarajya in the sense of complete independence of India based on economic and social emancipation and political freedom of men and women." Its demands were the nationalisation of "industries and public utilities such as mines, railways, telegraphs, inland waterways, tramways, &c." under the control of "Workers' Committees," and the "ultimate ownership of land to be vested in autonomous village communities consisting of intellectual as well as physical labourers." Its organ, *The Langal*, ceased after 15 issues for want of funds, and the party itself laboured under the ever-present threat of bankruptcy, but a secret branch of it was reported to be working in co-operation with the Anushilan Samity.

The Anushilan Samity's programme at this stage (1926) was itself greatly influenced by M. N. Roy, and advocated the preparation of the masses for revolution by inculcating first communist, and then terrorist, doctrines.

SECTION III. 1930–1933.

12. Mr. Gandhi began the civil disobedience movement early in 1930 by his march on Dandi. His action at once released the widespread wave of unrest which had gathered round the discussions of the future constitution, and the personnel of the Simon Commission, during the past two years. The general wave of rebellion against authority which followed provided the terrorists with an unrivalled opportunity for launching their campaign, of which the younger groups were not slow to take advantage. The Chittagong Jugantar group, one of the most active sections of the new violence party, which was in control of the Congress organisation in Chittagong, was the first to take the offensive.

13. On the night of the 18th April they carried out a spectacular and daring raid on a much larger scale than anything previously attempted by the terrorists. Four batches of varying strength set out from the Congress office in Chittagong. One was to capture the Police Armoury, one to capture the Auxiliary Force Armoury, one to massacre the Europeans in the Club, and the other to destroy the telephone exchange and telegraph office. As it happened, the Club was practically deserted and the party deputed to attack the Club joined the other groups. The Police Armoury party consisted of about 50 youths led by Ananta Singh and Ganesh Ghosh. All were in khaki, and the leaders were dressed as officers. They were challenged by the police sentry, who was shot down, while the remainder of the force swarmed into the building, broke into the Armoury and Magazine, and armed themselves with muskets, revolvers, and ammunition. Practically the same procedure was followed in the case of the Auxiliary Force Armoury. The sentry, another sepoy, and the Sergeant Major who lived close to the Armoury, were shot dead. The place was then forced open, and pistols revolvers, rifles and a Lewis gun were taken away. While this party were in possession of the Armoury they fired on motor-cars passing on the road and killed a railway guard, the driver, and assistant driver of a taxi and a police constable who was in the car of the District Magistrate. They also wounded the District Magistrate's driver and the occupant of a

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passing taxi. The telegraph office party seized and chloroformed the telephone operator, hacked the telephone board to pieces and set fire to it. The Telegraph Master was fired at when he came to the operator's assistance, but he returned with a gun and drove the raiders off before they destroyed the telegraph office. This party then went to the police lines and joined the main party. A counter-attack under the Deputy Inspector-General of Police was organised, and although few in numbers and poorly equipped, it succeeded in forcing the raiders to leave the town and retreat towards the hills. The raiders thus had to abandon their further project of raiding the Government Treasury and massacring the Europeans in the town.

14. Meanwhile, another party acting under orders of the terrorist leaders had cut all telegraph communications between Chittagong and the outside world, and attempted to interrupt railway communications by removing a rail and derailing a goods train; yet another party attempted, unsuccessfully, to derail the down-mail train to Chittagong at a place 70 miles from Chittagong on the same night.

Information of the raid was sent out by wireless from a ship in the harbour, and reinforcements reached Chittagong on the 20th April. Various skirmishes took place between the Government forces and the rebels, several of whom were shot dead, but the principal leaders remained absconding. One surrendered on the 28th June in Calcutta, and on the 31st August three others were arrested and one shot dead at Chandernagore (near Calcutta). The principal leader, Surjya Sen, was not arrested until 1933, and it is only recently that he has been condemned to death along with another of his associates by a Special Tribunal. His appeal is now pending before the High Court in Calcutta.

15. The news of this coup, unprecedented in the annals of terrorist crime in Bengal, was received by revolutionaries all over the Province with delight. The effect was electric and from that moment the outlook of the Bengali terrorists changed. The younger members of all parties, whose heads were already crammed with ideas of driving out the British by force of arms, but whose hands had been restrained by their leaders, clamoured for a chance to emulate the Chittagong terrorists. Recruits poured into the various terrorist groups in a steady stream. The leaders could no longer hope, nor did they wish, to keep them back, for in the face of the results achieved at Chittagong there seemed to be no reason why their over-cautious policy should be maintained. The romantic appeal of the raid attracted into the fold of the terrorist party women and young girls, who from this time onwards are found assisting the terrorists as housekeepers, messengers, custodians of arms and sometimes as comrades.

16. The Bengal Criminal Law Amendment Act of 1925 was due to expire on 21st March 1930. In November 1929 the police view was that the Act should remain permanently in force to act as a constant restraining influence on revolutionaries. It was urged that a five years' limit had prevented any reformation of those with whom it dealt. In the discussions that followed the following alternatives were considered:—

(i) The Local Government should be empowered to bring the Act into force by notification, at any time, and for as long as necessary.

(ii) The Act should be allowed to lapse with the prospect of immediate re-enactment when necessary.

(iii) Continuance of the Act for five years.

(iv) Continuance for five years of the sections relating to trial by special procedure.

This last proposal was eventually agreed to and enacted as the Bengal Criminal Law Amendment (Part Continuance) Act, 1930, on the 1st April 1930.

After the Chittagong raid, however, the lost powers of arrest and detention were immediately conferred by Ordinance. In July, the Bengal Government asked for the replacement of the Ordinance by permanent legislation. In the Act as passed, however, a five-year limit was imposed. With this modification the Bill was passed by the Legislative Council by a large majority and became law as Bengal Act VI of 1930 on the 16th October 1930.

17. To resume the narrative of events, the Chittagong Armoury raid took place, as has been stated, in April. In May, the leaders of the main Jugantar party in Calcutta drew up a programme of terrorism and made arrangements for the manufacture of bombs. Information in possession of Government shows that the principal features of this programme were:—

(1) The murder of Europeans in hotels, clubs and cinemas, simultaneously in Calcutta and the districts by bombs.
(2) The burning of the aerodrome in Dum-Dum with petrol.
(3) The cutting off of the gas and electric supply of Calcutta, by destroying the gas works and electric power stations.
(4) The cutting off of the petrol supply of Calcutta by destroying the depot at Budge-Budge.
(5) The disorganisation of the tramway service in Calcutta by cutting overhead wires.
(6) The destruction of telegraphic communication between Calcutta and the districts in Bengal.
(7) The destruction of bridges and railway lines by dynamite and hand grenades.

The first blow was struck on the 25th August 1930 by an attempt made by Anuja Sen and Dinesh Chandra Mazumdar (under orders of the Jugantar leaders) to murder the Commissioner of Police, Sir Charles Tegart, in Dalhousie Square. One of the bombs exploded behind the Commissioner's car and killed Anuja Sen. Dinesh Mazumdar, who was also wounded by the bomb, managed to run away a short distance, but was arrested. Two loaded bombs and one loaded revolver were found on the person of Anuja Sen, and one loaded bomb, one loaded revolver, and four spare cartridges on the person of Dinesh Mazumdar. It was the intention of the Jugantar leaders that the murder of Sir Charles Tegart should be the signal for all Jugantar groups in the Province to begin a widespread series of outrages.

On the 26th August a bomb was thrown into Jorabagan Police Station in Calcutta, but fortunately it exploded outside the station. No police officers were injured, but three members of the public were hit. On the following day, at 9 a.m., another bomb was thrown into the compound of the Eden Garden police outpost, in Calcutta, and injured three persons, including one constable. Two days later Mr. Lowman, the Inspector-

General of Police, and Mr. Hodson, the Superintendent of Police, were shot at Dacca. Mr. Lowman died, but Mr. Hodson, though severely wounded, survived. On the 31st August a police party led by Sir Charles Tegart surrounded a house in Chandernagore in which some of the Chittagong raiders were hiding, and after a brief engagement killed one of the absconders and arrested three with revolvers.

On the 25th August Dr. Narayan Chandra Ray, who was in charge of the bomb-making activities of this party, was arrested. In September many of his confederates were arrested and put on trial and sentenced to various periods of transportation from 20 years downwards. According to the confession of Dr. Narayan Ray made in this case, his mind had been inflamed by speeches made by Subhash Bose and another well-known political agitator. By the end of 1929 he had already joined a terrorist group and had begun to make experiments with explosives, especially Tri-Nitro-Toluol. Towards the end of 1929 he received formulæ for T.N.T. and Amatol procured through certain leaders of the Jugantar party. He attended the Lahore Congress and, before returning to Calcutta, he had learned how high explosive shells were loaded with Amatol. On his return to Calcutta early in 1930 he and his cousin Gobinda Ray (still absconding) actually manufactured some explosives. In May 1930 Dr. Narayan Ray was given by one of the Jugantar leaders a supply of empty bomb shells, which he loaded and fitted with detonators. A large number of these shells were distributed throughout the Province.

On the 8th December 1930 three young men dressed as Europeans rushed into the office of Colonel Simpson, Inspector-General of Prisons, in Writers' Buildings, Calcutta, and shot him dead. After this they went down the corridor firing into the rooms of other officials and wounded Mr. Townend, I.C.S., Secretary to the Government of Bengal, and Mr. Nelson, I.C.S., the Legal Remembrancer. They were trapped in the latter's room and all three attempted to commit suicide. One died on the spot. The other two were Binay Krishna Basu (the murderer of Mr. Lowman), who died a few days later, and Dinesh Gupta, who was hanged for this murder on the 7th July 1931.

In addition to the outrages that were actually carried out the police obtained information of various plots for raiding Treasuries and Armouries, for the assassination of officials and for other crimes of violence. Many plots were frustrated by the arrest of the plotters and consequent disorganisation of their groups. The police were also able to prevent the carrying out of any of their bigger or more sensational schemes. Owing to the limitations of the Bengal Criminal Law Amendment Act at this time, the powers of the police were confined to what may be described roughly as purely defensive action. These powers did not admit of wholesale attacks on various organisations, and although the action taken was certainly successful in preventing further outrages on the lines of the Chittagong armoury raid and several projected attacks on officials, at headquarters stations, and on police barracks, the terrorist organisations still remained intact.

18. At the end of 1930, then, several of the most important leaders of all parties were under arrest, but the organisations, to all intents and purposes, were still intact. Press and platform propaganda in pursuance of Gandhi's Civil Disobedience Movement was arousing anti-British sentiment and a spirit of lawlessness in the Province to a degree which would have been deemed incredible even in 1929. Seditious literature of the most violent description was being broadcast in the shape of

pamphlets and books. It is true that the Congress formally dissociated itself from terrorism, but it was equally clear that if some of the workers and leaders of the Congress were given a free hand they would not be averse to giving their general support to terrorism.

19. With the Irwin-Gandhi Pact, in March 1931, the Press Ordinance was withdrawn, and the Indian Press at once reverted to its old habit of glorification of assassins and the propagation of the cult of murder. During March the occasion for adulatory articles was found in the execution of Bhagat Singh and his two companions. When Mr. Peddie was assassinated on the 7th April 1931 the attitude of the Press was far from satisfactory. Similarly, praise of Dinesh Gupta, the murderer of Colonel Simpson, and Ram Krishna Biswas, convicted of the Chandpur murder, was widespread and in some cases unrestrained, and demands for their reprieve were loud and persistent. Every acquittal of a terrorist was hailed with delight, everything that could be said in favour of them being printed in bold type. The culmination of this attitude of mind was the resolution of the Congress-managed Corporation of Calcutta placing on record a token of homage to Dinesh Gupta, one of the murderers of Colonel Simpson. It is small wonder that in the circumstances described the terrorist cult should have found more votaries than even before, and that 1931 should have been one of the darkest years in the history of terrorist crime.

20. No less than 67 outrages, including nine murders, of which particulars will be found in Annexure III, occurred in 1931. Only a few instances need be quoted here to show the determined manner in which terrorist crimes were carried out.

On the 16th March at Barama, Chittagong, an Assistant Sub-Inspector of Police of the District Intelligence Branch encountered two absconders of the Chittagong armoury raid case. One of them fired at him with a revolver and wounded him and both escaped. On the 7th March at about 6.45 p.m. two *bhadralok* Hindu youths shot Mr. Peddie, I.C.S., District Magistrate of Midnapore, from behind, at close range, while he was attending an exhibition of manual work in a local school which he had himself arranged for the benefit of the students. Both the assailants escaped.

On the 27th July Mr. Garlick, I.C.S., Sessions Judge, 24-Parganas, was shot through the head by a youth while sitting in court. The assassin was immediately shot down by the sergeant on duty, but committed suicide by swallowing cyanide of potassium while lying wounded under the table. The murder was committed in revenge for the sentence of hanging inflicted on Dinesh Gupta by the tribunal of which Mr. Garlick was president.

On the evening of 21st August at Tangail, a *bhadralok* youth fired at Mr. Cassells, I.C.S., the Divisional Commissioner, who was on his way to inspect the Co-operative bank. The culprit escaped and a person subsequently tried for the offence was acquitted for want of sufficient identification.

On the 30th August Khan Bahadur Ahsanulla, Inspector of Police, Chittagong, was shot dead by a *bhadralok* Hindu youth, who was captured, convicted and sentenced to transportation for life. The murder inflamed Moslem feeling and was followed by a communal outbreak.

On the 28th October two *bhadralok* youths shot at and severely wounded Mr. Durno, I.C.S., District Magistrate, Dacca, while he was sitting in his car outside a shop in one of the main streets. The culprits escaped.

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On the 29th October Mr. Villiers, the President of the European Association, had a narrow escape from death, when he was attacked in his own office by one Bimal Das Gupta, the alleged murderer of Mr. Peddie.

On the 14th December Mr. C. G. B. Stevens, I.C.S., District Magistrate, Tippera, was shot dead in his house by two young girls who approached him with a request to arrange a swimming exhibition for them. Both were sentenced to transportation for life by a special tribunal.

21. By the end of July 1931 it was evident that the existing legislation was not sufficient to cope with the terrorist menace. The way in which the Press lent itself to constant and violent propaganda in favour of assassins has already been referred to. The murders which had already taken place could be traced, in no small measure, to incitements in the Press and the Local Government were convinced that action to control the Press was a vital necessity. As regards the powers of arrest and detention conferred by the Criminal Law Amendment Act, 1930, it was found essential to ask that its scope should be widened so that action could be taken, not only against persons actually concerned in the commission of terrorist associations, but also against those who are members or helpers of those associations. On the 9th October 1931 Act XXIII of 1931 (An Act to provide against publication of matter inciting to or encouraging murder or violence) was passed and on the 29th October the Government of India promulgated Ordinance IX of 1931 conferring the powers asked for in regard to arrest and detention and widening the schedule of offences by the inclusion of the sections relating to the waging of war against the King or the harbouring of absconders.

A month later, on the 30th November, the Bengal Emergency Powers Ordinance XI of 1931 was issued. Chapter I of the Ordinance provided for emergency powers which would apply immediately to the district of Chittagong. Military and police were to combine in operations to round up terrorists and absconders in that district, and to render these operations effective the District Magistrate was given powers, among others, to commandeer property, limit access to certain places, regulate traffic and transport and impose a collective fine upon recalcitrant inhabitants. Chapter II provided for special tribunals and special magistrates and a procedure designed to overcome delaying tactics.

Thus, though the situation at the end of 1931 was far from reassuring, the police were again armed with adequate powers. Civil disobedience was waning and they were, therefore, free to devote all their energies to the suppression of terrorism.

On the expiry of the Ordinances it was felt that the Bengal Government should be armed with the legislative weapons necessary to grapple with the menace of the terrorist movement. Accordingly the Bengal Suppression of Terrorist Outrages Act, 1932,* and the Bengal Criminal Law (Arms and Explosives) Act, 1932, were introduced and passed by the Legislative Council.

22. During the first part of the year 1932 rumours were rife of threats to carry out indiscriminate massacres of Europeans in clubs and cinemas. Actually one outrage of this dastardly nature was carried into effect when the Pahartali Railway Institute at Chittagong was attacked in September 1932 with bombs and revolvers. The attack was led by a girl named Priti Waddadar, who committed suicide on the scene of attack.

* This Act embodied the provisions of Ordinance XI of 1931.

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Earlier in the year Mr. Douglas, I.C.S., District Magistrate of Midnapore was shot dead on the 30th April while presiding at a meeting of the District Board; on the 27th June a Sub-Deputy Magistrate was shot dead in his house in Dacca town, and on the 29th July Mr. Ellison, Superintendent of Police, was shot dead in Comilla town. On the 5th August and again on the 28th September 1932, attempts were made to murder Sir Alfred Watson, the editor of the *Statesman*. On the 22nd August an attempt was made to shoot Mr. Grassby, the Additional Superintendent of Police, Dacca, and on the 18th November an attempt was made to murder Mr. Luke, Superintendent of the Rajshahi Central Jail, both of which fortunately failed.

23. The list is formidable enough, but it will be seen from Annexure III, where the particulars of all the outrages in 1930–33 are given, that the total number of crimes both against persons and against property have registered a notable decline in 1933. From the latter part of 1932 the tide began to turn, and between September 1932 and July 1933 the only murderous outrage which the terrorists could carry out in British India was the attempt on Mr. Luke, though in French Chandernagore M. Quin, the French Commissioner of Police, was shot on the 10th March 1933. Plot after plot was discovered and foiled, and one leader after another was captured. A stage has at last been reached when, in spite of dangerous conspiracies which every now and again come to light, the situation is definitely under control, so far as large-scale organised outrages are concerned. But there are a large number of individuals abroad who are prepared to commit or take part in isolated outrages and have apparently no difficulty in securing arms. As an instance there may be quoted the latest outrage, the murder of Mr. Burge, the District Magistrate of Midnapore. He was shot dead on the Police football ground just before the start of a match in which he was to play. Still more recently it was reported that a veritable armoury of revolvers, ammunition and dynamite had been discovered in North Calcutta. Hence, constant vigilance and continual action are required, not only against old members who are plotting outrages, but also against new recruits who appear still to be drawn into the movement in fairly large numbers, and to be ready for any kind of crime.

SECTION IV.—GENERAL SURVEY.

24. It will be seen from the figures given in Annexure IV that 2,167 persons have been dealt with under the Bengal Criminal Law Amendment Act since 1930, and that of these there are no less than 1,351 in gaols and detention camps at present, and 288 in village and home domicile, making a total of 1,639. Of those dealt with, only 389 persons have been unconditionally released. There are, besides, 19 State prisoners under Regulation III of 1818 at present. Though the number of fresh arrests has declined in recent months the present monthly average is still disquietingly high and indicates that considerable recruitment is still going on.

One reason for this is that subversive propaganda and activities have been so rife in recent years that they have succeeded in creating a revolutionary mentality which has permeated almost every stratum of the literate *bhadralok* society. To a certain extent the unemployment problem among the educated middle classes in Bengal has been a powerful accessory to those who have deliberately sought to bring about this result,

but the factors which have been chiefly responsible for the propagation of revolutionary ideas are a subversive Press, and successive organised movements for defiance of the laws by the methods variously known as non-co-operation and civil disobedience.

25. The Press has, for years, poured forth a venomous propaganda against the established Government, twisted and distorted every motive and every act of theirs, and held up to the admiration of the growing youth the heroism and self-sacrifice of the devotees of the pistol and the bomb who have been made to pay the penalty of the law. Nothing is more noticeable in the history of the revolutionary movement than the connection between the recrudescence of violent propaganda in the Press and of terrorism. Normally prone to unrestrained criticism of Government action the Press has allowed itself to be used by terrorist leaders for their own ends. The natural consequence of the daily poisoning of the minds of the credulous public was to create a mentality which believed that there was no enormity of which Government was not capable, and the mischief caused did not end with the generation, for the children of those who minds were warped in their youth grew up in an atmosphere of hostility, suspicion and ill-will to Government. Every subversive movement, therefore, met with the open or tacit approval of large sections of the people. Happily, at the present moment the tone of the Press is generally a good deal healthier than it has been for years. How much of it is due to the prevalence of good sense and how much to the existence of a Press law it is not possible definitely to say, but judging by past experience, and having regard to the fact that terrorists appear to be able to influence the Press to a high degree, it is more than doubtful if the present healthy tone can be maintained without the assistance of a Press law.

26. Of the part played by successive movements for civil disobedience it is unnecessary to speak at length. Contrary to the expressed intentions of the author, they have, on many an occasion, broken out into violence, and even when they have, in fact, remained non-violent, succeeded in engendering a violent mentality towards the established Government which has pre-disposed young men to succumb readily to the arguments of the terrorist recruiter. It is a remarkable fact that a large percentage of the recruits to the terrorist movement are found to have made their political *debut* as civil resisters. Mr. Gandhi's association with the movement has served to give it an odour of sanctity and blurred the distinction between lawful and unlawful activities. It is not a matter of surprise, therefore, that the action of the police to disperse mobs of civil resisters should have met with a chorus of denunciation from the Press and the platform as acts of tyranny and oppression, and that the minds of youths should have been filled with thoughts of vengeance.

27. The net result of these facts has been greatly to widen the field of recruitment to the terrorist ranks. Gone are the days when elaborate ceremonies of initiation and of administration of vows, before an image of the goddess Kali, were necessary to ensure the devotion of recruits to the terrorist cause. It is sufficient now-a-days to give a boy a few seditious books to read, and to supplement this by instructions from persons who have won his trust and confidence. Further, good moral character is no longer an essential in a recruit. Throughout the Province, students in schools and colleges are now far more deeply permeated by a spirit of unreasoning resentment against Government, and of defiance of authority, and there are a large number of districts in which some or all

of the educational institutions have terrorist groups connected with them under the control of the main leaders. The result is that murders are now committed by youths unknown to the police, at the bidding of their leaders. It is only fair to say, however, that only in a very few cases is evidence available to show that recruitment takes place inside the school or college, or through, or with, the sympathy of the staff. It is the students of the schools or colleges who form a suitable recruiting ground which is usually worked upon by outsiders, whose success is made more easy by the general failure of teachers generally to take any interest in or undertake any responsibility for the doings of their pupils outside the class-room.

28. Another recent and sinister development is the advent of the female terrorist. In the civil disobedience movement of 1930 women took an active part in picketing at the bidding of the leaders, who deliberately aimed at bringing women into the movement in the name of patriotism and service to the motherland. As has been shown, the step from non-violence to violence is a short one, and it is, perhaps, scarcely a matter of surprise, therefore, that under the stimulus of patriotic excitement working on distorted minds, two girls should have readily lent themselves as instruments for the murder of the District Magistrate of Tippera, and another should have made a treacherous attempt to take the life of Sir Stanley Jackson. The attack on the railway institute at Chittagong in September last year, in which one Englishwoman was killed and 11 other guests, including four women, wounded, was led by a woman, while another has just been sentenced by the tribunal to transportation for life in the supplementary raid case at Chittagong. Of those detained under the Bengal Criminal Law Amendment Act, 15 are women, and there are several against whom Government have so far refused to take action. There is evidence, therefore, that women are taking an increasing part in revolutionary conspiracies, a fact which adds to the difficulty of the police in dealing with them.

29. Reference has already been made to the encouragement which terrorism has received from time to time from the public adulation of terrorists in the Press. It has also been mentioned that after 1920 terrorists set themselves to penetrate the Congress machine by the capture of seats on the Executive Committees and on the all-India Congress Committee, and that under their influence the Bengal Provincial Congress passed a resolution in 1924 eulogising Gopi Mohan Saha, the murderer of Mr. Day.

30. To complete the picture it is necessary to say a word about the connection of the Congress Committee and the Calcutta Corporation and the manner in which subversive movements in general, and terrorism in particular, have received encouragement from the Corporation. The present Calcutta Corporation was the creation of the Act of 1923. In 1924, the Congress, under the lead of the late Mr. C. R. Das, obtained a large majority on it and since then has dominated it under the leadership successively of the late Mr. J. M. Sen Gupta, Mr. Subash Chandra Bose, both ex-Presidents of the Bengal Provincial Congress Committee, and of Dr. B. C. Roy. The two former were bitter critics of Government and at various times were incarcerated under Regulation III of 1818; the latter suffered imprisonment during the civil disobedience movement. One of the earliest acts of Mr. C. R. Das after his election as Mayor was to offer employment to those who had suffered in the "country's cause," many of them in the capacity of teachers in Corpora-

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tion Primary Schools, which under Swarajist control multiplied greatly. In the year 1923-24 there were 19 such schools under the Corporation. By the end of December 1931 there were 225 of them. When early in 1930 Mr. Gandhi opened his civil disobedience campaign, a large number of teachers of these schools took part in the campaign and continued to do so throughout 1931. The attitude of the Corporation in this matter was illustrated by the correspondence that passed between the Commissioner of Police and the Chief Executive Officer in 1931. On the 14th August 1931 Sir Charles Tegart drew the attention of the Chief Executive Officer to the fact that 12 Corporation teachers had been arrested for illegal picketing and requested him to see that this conduct on the part of Corporation employees was not repeated. No answer was given to this letter, but on the 8th September 1931 the Chief Executive Officer wrote complaining about the searches made by the police in Corporation schools. To this, Sir Charles replied that the searches were inevitable since evidence was accumulating to show that Corporation school teachers were conspiring to break the law, and that the Corporation schools were being used for unlawful purposes. He offered to supply the Corporation with details of searches and prosecutions. The Chief Executive Officer replied on the 25th September 1931 denying that there was any conspiracy on the part of the teachers, and then proceeded to allege that 14 teachers who had been arrested by the police had been beaten unmercifully by them.

Many Corporation buildings were used for the furtherance of the civil disobedience movement, and the occasions on which the Corporation adjourned as a mark of respect owing to the arrests of prominent persons connected with the civil disobedience movement are numerous.

31. But the Corporation were not content with participating in the civil disobedience movement alone. On the 13th September 1929 they expressed "their great sorrow at the untimely death of the great hero, Jatindra Nath Das" (an undertrial prisoner in the Lahore Conspiracy Case who died of hunger-strike), and under the direction of the Mayor, closed the offices and schools for one day. Later, a street was named after him. On the 11th February 1931 the Corporation granted six months' leave of absence to Dr. Narayan Ch. Ray, a Councillor, and convicted in the Dalhousie Square Bomb Conspiracy Case, "as his absence is due to causes which the Corporation considers sufficient to justify such an absence." On the 8th July 1931 the Corporation recorded its sense of grief at the execution of Dinesh Chandra Gupta, "who sacrificed his life in the pursuit of his ideal." In this form the resolution was published on the front page of the *Calcutta Municipal Gazette*, and below it a photograph of the murderer. Sixteen days later, Mr. Garlick, the President of the Tribunal which convicted Dinesh, was shot dead in his Court by a terrorist, on whose person a slip containing the following words was found:—"Cursed be your Court the injustice of which condemned Dinesh Gupta to death."

It will readily be appreciated that the public tributes paid by bodies like the Bengal Provincial Congress and the Calcutta Corporation to persons convicted of terrorist crime, and their general attitude of sympathy towards subversive movements, have been a perpetual incitement to emotional youth to undertake fresh outrages. Factors such as these did not weight the scale against Government in their campaign of 1916-19.

32. The formation of a "Peasants and Workers" organisation on communistic lines has already been referred to, and a brief reference may

now be made to other open organisations through which the revolutionaries have sought to subvert existing society. The non-co-operation movement of 1921 showed that Government could be really seriously embarrassed by mass action. Communist literature and methods, therefore, found an increasing number of readers and exponents, and the advantages of mass action as a revolutionary instrument received considerable attention. It was thought that the doctrines based on class solidarity would be an effective antidote to the schisms of religious differences. Moscow was willing to help with money, and the doctrines had an intellectual appeal of their own to the *bhadralok* youths, themselves faced with the menace of unemployment. The "Peasants and Workers" movement died of inanition, but in the youth leagues and conferences which came into vogue in the period 1925–30 the doctrines of the Third International found considerable favour. Dr. Bhupendra Nath Dutt (an old terrorist), Kanai Lal Ganguli, Subash Bose (detained twice under Regulation III), Bankim Chandra Mukherji and others devoted their energies, from varying motives, to the development and growth of organisations based on communist or semi-communist ideas.

At the instance of Subash Chandra Bose, Pandit Jawahar Lal Nehru presided over the All-Bengal Students' Conference in 1928, and in his speech advocated communism and internationalism for India. Immediately on his departure an Independence League for Bengal was started by Subash Bose with a number of ex-*detenus* and State prisoners. They drew up a manifesto on Bolshevik lines which evoked some protest. When later, however, Jawahar Lal himself started the "Independence for India League," having for its object the achievement of Swaraj for India, with the help and support of Kanai Lal Ganguli and Bhupendra Dutt, it met with strong opposition from Subash Chandra Bose and his followers, who now formed a separate "Independence for India League" in Bengal from which Kanai Lal and Bhupendra Dutt were practically excluded. Later, when Jawahar Lal came to Calcutta in connection with the 1928 Congress, he addressed the Howrah District Workers' Conference and the All-Bengal Youth Association, both Congress organisations. To the former he spoke disparagingly of the Congress, who would be prepared to wait for another 10 years for Swaraj, but added that if the labouring classes and the starving millions of the country could be convinced that independence would remove their want and get them better food and clothing, they would not agree to wait for a single day for the achievement of Swaraj. This speech gives the clue to the primary object for which Labour was to be exploited and may be compared with the statement which appeared in *Liberty* of the 18th August 1929—"The Labour movement is very closely connected with the Swaraj movement, and what is needed at the present moment is a co-ordination between the two in order to force the hands of an unsympathetic Government." During the jute mill strikes of 1929 there were indications that the Congress scheme was to get the *intelligentsia* to organise a mass upheaval through the youth and students' and volunteer movements, with a view to coerce the Government. The scheme did not materialise and the Meerut case has for the time being ended attempts to form organisations on communist lines.

33. It remains now to say a word about the effect of the murder campaign on the daily lives of officials. During the last three years officials, particularly district and police officers, were in serious danger, and the unusual precautions which had to be taken for their safety

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undoubtedly interfered with their normal duties. They live in houses guarded by armed sentries; many of them when they go out are accompanied by armed personal guards, sometimes with their revolvers drawn; the roads they use are constantly patrolled; intending interviewers when not known are searched before admission; and in Calcutta and some other places there are restrictions on entrance to clubs which at times give rise to irritation and bad feeling. The precautions have necessarily interrupted the free intercourse between officials and non-officials which was such a feature of the administration, especially in the districts. During the last year or so, though the situation had apparently greatly improved, the full precautions have had to be maintained, and the latest tragedy at Midnapore is a stern warning that no relaxation of precautions can yet be permitted, even in connection with games, which were becoming more and more a common meeting ground for all sections of the community. So long as there is a group of people who consider it their business to murder officials there is no escape from the present position. Otherwise the normal administration goes on much as before, and though officers of all grades—and their wives and families—may view their daily work with greater anxiety than in the past, the tone generally is good, and there is none of that spirit of gloom and of helplessness which was apparent two years ago. In the background there is a general realisation that in spite of the poignant tragedies that from time to time send a feeling of horror through all classes, the situation is better than it was. In some quarters there is a growing belief, or perhaps still only a hope, that public opinion is slowly turning against terrorism and that in their efforts to crush it Government and their officers have a steadily increasing amount of sympathy and support, though much of it may be tacit, from the community at large. In other quarters this is ascribed to a realisation that Government are in earnest in their efforts to stamp out terrorism and to the instinctive desire to be on the winning side, and it is held that any relaxation of effort on the part of Government will mean an immediate deterioration of the situation and a decrease in the amount of public sympathy and support for Government.

ANNEXURE I.

CLASSIFIED STATEMENT OF THE NUMBER OF CASES OF OUTRAGES DURING THE YEARS 1930–33, YEAR BY YEAR.

Items	1930	1931	1932	1933
Murderous outrages	7	5	5	3
Attempts at outrages	4	6	14	3
Dacoities*	10	23	68	34
Attempted dacoities*	—	2		
Robberies*	6	18		
Attempted robberies*	1	5		
Bomb throwing	6	7	3	—
Bomb explosions	1	—	4	3
Armed raids	1	—	—	—
Total	36	66	94	43

* Including mail, post and train.

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ANNEXURE II.

LIST OF CASUALTIES DUE TO TERRORIST OUTRAGES DURING THE YEARS 1930–33.

Class	1930		1931		1932		1933	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Officials	11	12	5	13	6	10	1	1
Non-officials	10	14	4	3	6	27	—	—
Terrorists	26	4	—	1	5	3	2	—

ANNEXURE III.

DETAILS OF CASES OF TERRORIST OUTRAGES DURING THE YEARS 1930–33. LIST "A" INCLUDES THE OUTRAGES OF MAJOR IMPORTANCE EACH YEAR LIST "B" ALL OTHER OUTRAGES.

1930—"A."

(1) On 1st February 1930, Satish Chandra Ray, an Assistant Teacher of the Ramananda Union H.E. School, was murdered at Kishoreganj, Mymensingh.

(2) On 18th April 1930, the terrorist party of Chittagong headed by Ananta Singh, attacked and looted the Auxiliary Force Armoury, the Telephone Exchange and the District Police Armoury in Chittagong town.

(3) On 7th May 1930, some absconding insurgents, while passing through village Sikalbaha, Chittagong, opened fire on villagers and escaped.

(4) On 16th May 1930, a bomb was thrown at the house of the officer-in-charge of the Shibpur Police Station, Howrah.

(5) On 19th July 1930, a bomb exploded on being thrown at police officers passing along Gaibandha Road in Gaibandha town, Rangpur.

(6) On 2nd August 1930, a constable was shot at while arresting certain accused in the warehouse looting case of Mymensingh town.

(7) On 25th August 1930, bombs were thrown at Sir Charles Tegart, Commissioner of Police, Calcutta, in Dalhousie Square.

(8) On 26th August 1930, a bomb was thrown in the compound of the Jorabagan Police Court, Calcutta.

(9) On 27th August 1930, a bomb was thrown at the Eden Gardens Police Outpost, Calcutta.

(10) On 29th August 1930, Ratan Bhusan Hazra was murdered at Deshbandhu Park, Calcutta.

(11) On 29th August 1930, Mr. Lowman, Inspector-General of Police, Bengal, and Mr. Hodson, Superintendent of Police, Dacca, were shot in the Mitford Hospital, Dacca.

(12) On 30th August 1930, a bomb was thrown in the house of Inspector Pabitra Bose of the Mymensingh Detective Department, Mymensingh town.

(13) On 23rd September 1930, a bomb was thrown in the compound of the Khulna Police Station where the District Intelligence Branch Inspector and others were sitting.

(14) On 13th October 1930, the Sub-Inspector of the Mymensingh District Intelligence Branch and his guard were shot at while endeavouring to arrest two absconders in the Mymensingh Excise Warehouse looting case.

(15) On 1st December 1930, Inspector Tarini Mukharji of the Railway Police, was fatally shot at Chandpur Railway Station, in mistake for the Inspector-General of Police, who was travelling on the same train.

(16) On 8th December 1930, Colonel Simpson, Inspector-General of Prisons, Bengal, was fatally shot in Writers' Buildings, Calcutta.

1930—"B."

(1) On 24th March 1930, the body of Bhupendra Raha Ray, *alias* Pola, was found on the railway line, Mymensingh town, severely mutilated by being run over by a train.

(2) On 12th April 1930, five or six *bhadralogs* visited the *gaddi* of Messrs. Harish Chandra Sen and Ram Kanai Bhuiya at 23, Kali Kumar, Banarji Lane, Tala, Calcutta, and decamped with Rs. 15,000 in G. C. notes.

(3) On 23rd April 1930, Ananta Lal Singh and three others were arrested at Feni, when they fired on the police and decamped.

(4) On 29th April 1930, a dacoity occurred in the house of Amrita Lal Ray, Samanta Sena, Khulna, when articles worth Rs. 36 were looted.

(5) On 2nd June 1930, a postal overseer was waylaid and robbed of Rs. 1,000 while he was proceeding from Mulchar Police Station to Swarmgram Post Office, Dacca.

(6) On 25th August 1930, an attempt at mail robbery was made at Shahatali Railway Station (Saidpur, G. R. P.), by three persons who assaulted the postal peon carrying bags containing about Rs. 1,000 in cash.

(7) On 3rd September 1930, a mail peon was robbed of cash, &c., to the value of Rs. 3,650, near Rajshahi Railway Station.

(8) On 8th September 1930, a dacoity was committed in the Ichapura Post Office, Serajdikhan, Dacca, when Rs. 1,347, which included private money and ornaments of the postmaster, was looted.

(9) On 24th September 1930, a dacoity was committed in the houses of Chandi Charan Saha Poddar and Raj Kumar Saha Poddar, at Gopalpur, police station Kalkini, Faridpur, and cash and ornaments worth Rs. 551 were looted.

(10) On 17th October 1930, a dacoity with murder occurred at Armenian Street, Calcutta, in the gadi of Manikchand Gopalchand, in which the culprits decamped with Rs. 2,346.

(11) On 23rd October 1930, a dacoity occurred in the house of Jagatbandhu Bandopadhya, of Kalabaria, in which Rs. 400 in cash were looted.

(12) On 30th October 1930, a dacoity was committed in the house of Rajnath Banik, Madhabpasha, Babuganj, police station Barisal, in which Rs. 3,451 was looted.

(13) On 31st October 1930, a dacoity was committed in the house of Chandra Nath Tewari, Saldah, Mymensingh, when properties worth Rs. 35 were looted.

(14) On 1st November 1930, a peon of Rajshahi College was waylaid and robbed of Rs. 368.

(15) On 4th November 1930, a dacoity was committed in the house of Kali Charan Bhattacharji, of Jashodal, Mymensingh, in which cash and ornaments of unknown value were taken away.

(16) On 8th November 1930, the house of Umanath Majumdar, of Gangail, police station Kishoreganj, Mymensingh, was dacoited, but nothing was taken away.

(17) On 12th November 1930, while the Jamadar and two durwans of Messrs. R. Sim & Co., of Elashin, were taking a cash remittance of Rs. 15,000 by road from Tangail to the Company's office, they were waylaid and the whole amount snatched away.

1930—"B"—*cont.*

(18) On 26th November 1930, a dacoity was committed in the house of Sarat Kumar Guha, Raghunathpur, police station Kotwali, Barisal, in which the dacoits carried away Rs. 941 in cash.

(19) On 8th December 1930, the bearer of the Intermediate College, Lalbag, Dacca, was waylaid and robbed of Rs. 2,093 which he was carrying to the Treasury for deposit.

(20) On 18th December 1930, a dacoity was committed in the house of Kailash Chandra Banarji, of Paisagaon, Tangibari, Dacca, in which properties worth Rs. 2,145 were carried away.

1931—"A."

(1) On 12th January 1931, a clerk of the Bhowal Court of Wards, Dacca, was shot at and wounded in an attempt at robbery.

(2) On 23rd February 1931, a bomb was thrown into the District Intelligence Branch Sub-Inspector's house at Barisal.

(3) On 16th March 1931, an Assistant Sub-Inspector of the Chittagong District Intelligence Branch was shot at and wounded by Tarakeswar Dastidar at Barama, police station Patiya, Chittagong.

(4) On 17th March 1931, a bomb was thrown into the house of the District Intelligence Branch Inspector, Nadia.

(5) On 17th March 1931, a bomb was thrown at the Kotwali Police Station, Nadia.

(6) On 17th March 1931, a bomb was thrown into the house of the Superintendent of Police, Nadia.

(7) On 7th April 1931, Mr. J. Peddie, I.C.S., District Magistrate, Midnapur, was assassinated.

(8) On 24th April 1931, a bomb was thrown at the Royal Calcutta Golf Club.

(9) On 27th July 1931, Mr. Garlick, I.C.S., District and Sessions Judge, Alipur, was assassinated.

(10) On 21st August 1931, an attempt was made on the life of Mr. A. Cassells, C.I.E., I.C.S., Divisional Commissioner, Dacca, at Tangail, Mymensingh.

(11) On 30th August 1931, Khan Bahadur Asanullah, Inspector of Police, Chittagong, was assassinated.

(12) On 9th September 1931, a bomb was thrown into the compound of Kalna Police Station, Burdwan.

(13) On 10th September 1931, a bomb was thrown into the Officer Commanding's quarters, Memari Police Station, Burdwan.

(14) On 29th October 1931, an attempt was made to murder Mr. Villiers, President, European Association, in his office at Clive Buildings.

(15) On 28th October 1931, an attempt was made to assassinate Mr. Durno, I.C.S., District Magistrate, Dacca, in Dacca town.

(16) On 11th November 1931, an attempt was made to shoot Inspector Monoranjan Chaudhuri at Rajballavpur, Sherpur, Mymensingh.

(17) On 14th December 1931, Mr. C. G. B. Stevens, I.C.S., District Magistrate, Tippera, was fatally shot.

(18) On 30th December 1931, an important witness in the Maniktolla dacoity case, was fatally shot at No. 52, Gouribari Lane, Calcutta.

1931—"B."

(1) On 5th January 1931, an attempt was made to rob the Post Office at Bazarkhola, Amanatganj, Barisal town.

(2) On 11th January 1931, a dacoity occurred at Nilganj Railway Station, police station Bhairab, Mymensingh, at which Rs. 22 was looted.

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1931—"B"—*cont.*

(3) On 20th January 1931, an attempt was made to rob the Bagerhat mail bag, which contained insured covers valued at Rs. 834, from the train.

(4) On 26th January 1931, a postal peon was robbed of Rs. 1,500 at Farashganj Road, Dacca town.

(5) On 14th February 1931, a dacoity occurred at Messrs. Ralli Bros. Agency, Jamalpur, Mymensingh, at which Rs. 7,919 was looted.

(6) On 21st February 1931, a dacoity occurred at Suapara, Dacca, at which Rs. 2,022 was looted.

(7) On 5th March 1931, a highway mail robbery took place at the Brahmanbaria Post Office, Tippera, when Rs. 10,942 was looted.

(8) On 10th March 1931, an armed dacoity occurred at Kauthal, police station Palong, Faridpur, at which Rs. 2,783 was looted.

(9) On 27th March 1931, a dacoity occurred in the house of Upendra Mazumdar, Khamargaon, police station Nandail, Mymensingh, at which Rs. 2,249 was stolen.

(10) On 7th April 1931, an armed mail dacoity occurred at Palong Steamer Station, at which Rs. 1,540 in cash was looted.

(11) On 11th April 1931, a train robbery took place between Atharbari and Sohagi stations, at which Rs. 9,160 was looted.

(12) On 17th April 1931, a dacoity occurred at Ranibazar, Rajshahi town, at which Rs. 1,000 was looted.

(13) On 20th April 1931, an armed robbery took place at Sealdah Railway Station, Rs. 4,938 being looted.

(14) On 11th May 1931, an armed dacoity occurred at Sontiabazar II, Mymensingh, Rs. 540 being stolen.

(15) On 16th May 1931, the Dacca postal van was robbed of Rs. 800.

(16) On 5th June 1931, a mail robbery took place at Samantasena, Khulna, Rs. 70 being looted.

(17) On 17th June 1931, Rs. 278 was looted from the office of the Assistant Station Master at Nayanpur Railway Station, Assam-Bengal Railway.

(18) On 2nd July 1931, a train robbery occurred at Gouripur-Iswarganj, Rs. 1,206 being looted.

(19) On 7th July 1931, an attempt was made to rob the mails at Kumarkhali, Nadia.

(20) On 17th July 1931, an armed dacoity occurred at Nitaiganj, Narayanganj, Dacca, Rs. 8,479 being looted.

(21) On 24th July 1931, an attempted mail robbery took place at Narayanpur, police station Jhalakati, Barisal.

(22) On 31st July 1931, an attempted mail robbery took place at Dharmaganj, police station Mendiganj, Barisal.

(23) On 1st August 1931, an armed robbery occurred at the Municipal office gate, Rs. 6,202 being looted.

(24) On 4th August 1931, an armed dacoity occurred at a jute firm at Nandail Road Bazar Station, Mymensingh, Rs. 395 being looted.

(25) On 10th August 1931, an armed robbery occurred at the Saraswati Samaj, Dacca town, Rs. 627 being looted.

(26) On 3rd September 1931, an armed robbery of postal money amounting to Rs. 348 occurred at the junction of Hare and Wyre Street, Dacca town.

(27) On 9th September 1931, a highway robbery occurred at Mankunda, Hooghly.

1931—"B"—*cont.*

(28) On 11th September 1931, an armed dacoity occurred at Raghunathpur, police station Bagerhat, Khulna, Rs. 2,000 being stolen.

(29) On 13th September 1931, an armed dacoity occurred in the house of Bhagaban Saha of Neamatpur, police station Karimganj, Mymensingh, Rs. 2,333 being stolen.

(30) On 18th September 1931, an attempted mail dacoity took place near Ghoramara Post Office, Rajshahi.

(31) On 2nd October 1931, a dacoity occurred in the *gaddi* of Krista Ch. Sanatan Pal, Canal West Road, Maniktala, Calcutta. Rs. 300 which was looted, was subsequently recovered.

(32) On 5th October 1931, an armed dacoity occurred in the shop of Sushil Mohan Sahai Madhabdi Bazar, police station Narsingdi, Dacca; the amount looted not known.

(33) On 10th October 1931, a dacoity occurred in the house of Satish Ch. Malakar, police station Taltalla, Khulna, Rs. 412 being looted.

(34) On 10th October 1931, an attempted dacoity occurred in the house of Hriday Pal, Kalabandha, police station Melandah, Mymensingh.

(35) On 12th October 1931, a dacoity occurred in the house of Purna Ch. Saha, Kamalpur, police station Bajitpur, Mymensingh, Rs. 900 being looted.

(36) On 13th October 1931, an armed robbery of Rs. 28,000 in cash, which was being transmitted from the Imperial Bank, Dacca, to the Dacca Post Office, took place, but the money was recovered.

(37) On 16th October 1931, the mail bags containing Rs. 83 were robbed from Jinardi Railway Station Office (Bhairab Bazar, Government Railway Police, Saidpur Railway Police).

(38) On 17th October 1931, a dacoity occurred in the house of Nurjan Mallik of Khagragoria, Burdwan Police Station.

(39) On 20th October 1931, a postal runner was robbed of Rs. 1,272 near Nagargaon, police station, Katiadi, Mymensingh.

(40) On 21st October 1931, a dacoity occurred in the house of Radha Krista Deb Nath of Chandani, police station Naria, Faridpur, Rs. 994 being looted.

(41) On 28th October 1931, an armed dacoity occurred in the jute agency of Rukhini Kanta Sarkar, Gochihata, police station Katiadi, Mymensingh, Rs. 1,245 being looted.

(42) On 10th November 1931, an armed mail robbery occurred at Dharbila, police station Charghat, Rajshahi, Rs. 195 being looted but subsequently recovered.

(43) On 11th November 1931, an armed dacoity occurred in the house of Radha Madhab Pal, of North Madhyapara, Palong, Faridpur, Rs. 1,950 being stolen.

(44) On 16th November 1931, an armed mail robbery occurred at Kanaikati, Madaripur, Faridpur, Rs. 2,500 being looted.

(45) On 4th December 1931, an armed dacoity occurred in the house of Abdul Majid of Seorakanda, police station Tangail, Mymensingh, Rs. 2,608 being looted.

(46) On 7th December 1931, a dacoity occurred in the house of Mohendra Nath Sarkar, of Darimonpur, police station Hemtabad, Dinajpur, Rs. 100 being looted.

(47) On 15th December 1931, mail bags containing Rs. 1,900 were looted by armed men, near Naria Steamer Station, Faridpur.

(48) On 18th December 1931 an armed dacoity occurred in the house of Mohanta Nath of Telirbag, police station Tangibari, Dacca, Rs. 677 being looted.

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1932

MURDERS—5.

(1) On 30th April 1932, Mr. R. Douglas, I.C.S., District Magistrate, Midnapore, was shot dead at the District Board Office, Midnapore.

(2) On 14th June 1932, Captain Cameron was shot dead while leading a military raid on an absconders' den at Dhalghat police station, Patiya, Chittagong.

(3) On 27th June 1932, Babu Kamakhya Sen, Sub-Deputy Magistrate, was shot dead in his house in Dacca town.

(4) On 29th July 1932, Mr. Ellison, Superintendent of Police Tippera, was shot dead in Comilla town.

(5) On 24th September 1932, the European Institute at Pahartali, Chittagong, was raided by terrorists armed with revolvers and bombs and led by a woman terrorist, who eventually committed suicide. One European lady was killed and several Europeans and Anglo-Indians wounded.

ATTEMPTED MURDERS—14.

(1) On 19th January 1932, a murderous attack with iron rods was made on Sergeant Bourne in Dacca town and his revolver was stolen.

(2) On 22nd January 1932, a bomb was thrown at the compartment occupied by the District Magistrate, Howrah, at Patihal Railway Station, on the Howrah-Amta Railway.

(3) On 6th February 1932, an attempt was made on the life of His Excellency the Governor of Bengal at the annual Convocation of the Calcutta University in the Senate House, Calcutta.

(4) On 11th March 1932, a bomb was thrown into the quarters of the Sub-Divisional Officer, Kandi, Murshidabad.

(5) On 28th March 1932, the tents in the camp of the Settlement Officers, Lalmonirhat, Rangpur, were set fire to, for the purpose of stealing the revolvers of the officers.

(6) On 21st April 1932, a bomb exploded in the vestibule of the Head Office of Messrs. Martin & Co., Mission Row, Calcutta.

(7) On 18th May 1932, a parcel exploded in the Lamabazar Post Office, Chittagong town, injuring a packer of the Post Office.

(8) On 26th May 1932, guard constable Soleman Khan was assaulted near Government House, Dacca, and his revolver was stolen.

(9) On 12th June 1932, a bomb was thrown at the train at Rajbari Railway Station, Eastern Bengal Railway, in which the District Magistrate and Superintendent of Police, Faridpur, were travelling.

(10) On 5th August 1932, the first attempt was made to shoot Sir Alfred Watson, Editor of the *Statesman*, at Chowringhee. The assailant committed suicide.

(11) On 22nd August 1932, an attempt was made to shoot Mr. C. Grassby, Additional Superintendent of Police, Dacca, at the Nawabpur Railway Crossing, Dacca.

(12) On 28th September 1932, a second attempt was made on the life of Sir Alfred Watson, Editor of the *Statesman*, near Strand Road, Calcutta.

(13) On 18th November 1932, an attempt was made to murder Mr. Luke, Superintendent, Rajshahi Jail, at Rajshahi.

(14) On 19th November 1932, an attempt was made to murder a spy "Malia" at Kalikatcha, Sarail, Tippera.

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1932—*cont.*

DACOITIES AND ROBBERIES (INCLUDING ATTEMPTS)—68.

(1) On 3rd January 1932, a robbery was committed by four persons armed with revolvers in a shop at Kamalaghat, Mirkadim, Munshiganj Dacca.

(2) On 4th January 1932, an attempt was made at Munshiganj, Dacca, to rob a clerk and durwan of the Munshiganj Middle English School. The Durwan was wounded by a revolver bullet.

(3) On 9th January 1932, a boat dacoity was committed at Kurchai, police station Gaffargaon, Mymensingh.

(4) On 11th January 1932, a dacoity was committed in a house at Swarikanda, police station Netrakona, Mymensingh.

(5) On 18th January 1932, the mails were robbed by six persons armed with revolvers between Natherpetua and Uttardah railway stations on the Assam-Bengal Railway.

(6) On 18th January 1932, a dacoity was committed in a house at Sotashi, police station Bhusna, Faridpur.

(7) On 22nd January 1932, a dacoity was committed in a house at Kalyanchak, police station Amta, Howrah.

(8) On 10th February 1932, a dacoity was committed in the house of Kamini Kanta De of Madhakhola, police station Hossainpur, Mymensingh.

(9) On 10th February 1932, a dacoity was committed in a house at Massimpur, Bhabanipur, Kuliarchar, Mymensingh.

(10) On 13th February 1932, a dacoity was committed in the house of Hari Das Saha, of Banwaribad, police station Bharatpur, Murshidabad.

(11) On 15th February 1932, a dacoity was committed in a house at Sawali Charpara, police station Mirzapur, Mymensingh.

(12) On 18th February 1932, a mail dacoity was committed at Gangadarpatti, near Munshiganj, Dacca.

(13) On 23rd February 1932, a dacoity was committed at the Agency of Messrs. Ralli Bros. at Atharabari, police station Iswarganj, Mymensingh.

(14) On 27th February 1932, a dacoity was committed in a house at Sararchar, police station Bajitpur, Mymensingh.

(15) On 2nd March 1932, three youths attempted to rob a mail runner near the Boalia Post Office, police station Ghoramara, Rajshahi.

(16) On 5th March 1932, a dacoity was committed in a house at Uttar Bagdanga, Narail, Jessore.

(17) On 14th March 1932, a mail dacoity with murder was committed at Charmuguria Post Office, police station Madaripur, Faridpur.

(18) On 14th March 1932, a dacoity was committed in a house at Tegharia, Dacca.

(19) On 15th March 1932, a dacoity was committed in a house at Saldah, police station Naria, Faridpur.

(20) On 15th March 1932, a mail robbery was committed by three *bhadraloks* armed with revolvers at Lalbag, police station Lalbag, Dacca town.

(21) On 22nd March 1932, a mail runner was attacked and robbed of the mails at Nalchiti Steamer Ghat Road, Barisal.

(22) On 24th March 1932, a robbery was committed in a house at Sararchar, police station Bajitpur, Mymensingh, by two persons.

(23) On 4th April 1932, an attempt was made to rob a man by two youths armed with daggers on the road to Berhampore Railway Station (near Cemetery), District Murshidabad.

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1932—*cont.*

(24) On 5th April 1932, a mail robbery was committed on the Keora Road, police station Jhalakati, Barisal.

(25) On 5th April 1932, an attempt at highway robbery was made at Dolaiganj Station Road, Dacca.

(26) On 5th April 1932, a house dacoity was committed at Agartola, Tripura State.

(27) On 11th April 1932, a mail robbery with murder was committed in Hari Mohan Roy Lane, Belliaghata, Calcutta.

(28) On 12th April 1932, a merchant was attacked and robbed by three youths armed with revolvers in a running train near Nilphamari Railway Station, Rangpur.

(29) On 13th April 1932, a mail robbery was committed at Jobsa Steamer Station, police station Naria, Faridpur.

(30) On 15th April 1932, a dacoity was committed in a shop at No. 8A, South Sealdah Road, Calcutta.

(31) On 1st May 1932, a dacoity was committed in the house of Mahesh Chandra Singh of Chandpur, Palashia, police station Nandail, Mymensingh.

(32) On 3rd May 1932, a dacoity was committed in the house of Muzaffar Sheik at Aynargop, police station Bajitpur, Mymensingh.

(33) On 9th May 1932, a dacoity was committed in the house of Joynarain Kapali of Noabad, police station Karimganj, Mymensingh.

(34) On 11th May 1932, a dacoity was committed in a house at Chagaldanda, Banaripara, Barisal.

(35) On 13th May 1932, a train dacoity was committed between Tezgaon and Dacca Railway Stations, Dacca.

(36) On 13th May 1932, a mail robbery was committed on the District Board Road, Rajnagar, Tippera.

(37) On 17th May 1932, a mail robbery, in which one dacoit was killed, was committed at Angaria, police station Palong, Faridpur.

(38) On 21st May 1932, a mail robbery was committed at Kanakshar, police station Bhedarganj, Faridpur.

(39) On 29th May 1932, a dacoity was committed in a house at Kamalpur, police station Bajitpur, Mymensingh.

(40) On 31st May 1932, a highway robbery was committed at Gourhati, police station Arambag, Hooghly.

(41) On 5th June 1932, a dacoity with murder was committed at Ramnagarpara, Kuniati, police station Kendua, Mymensingh.

(42) On 13th June 1932, a dacoity with murder was committed in a house at Mograbazar, police station Kasba, Tippera.

(43) On 14th June 1932, a dacoity was committed in a house at Binnahati, police station Kishoreganj, Mymensingh.

(44) On 15th June 1932, a dacoity was committed in the house of Rajani Kanta Karmakar of Jhilkipota, police station Maheshpur, Jessore.

(45) On 27th June 1932, a dacoity was committed in the house of Dr. Debendra Saha of Navanpur Bazar, police station Kasba, Tippera.

(46) On 2nd July 1932, a highway robbery was committed on the Bejpara Road, police station Kotwali, Jessore.

(47) On 12th July 1932, a dacoity was committed on a Railwayganj hut at Halimpur, police station Bajitpur, Mymensingh.

(48) On 16th July 1932, a dacoity was committed in a house at Gangailpara, Taliapara, police station Karimganj, Mymensingh.

1932—*cont.*

(49) On 18th July 1932, a dacoity with murder was committed in a house at Singa, police station Gournadi, Barisal.

(50) On 22nd July 1932, a dacoity was committed in the house of Mati Mandal of Srikantapur, police station Suri, Birbhum.

(51) On 15th August 1932, a train dacoity was committed by four or five *bhadralok* youths armed with revolvers between Dacca and Tezgaon Railway Stations, Dacca.

(52) On 15th August 1932, while the school-fees of the Bogra Coronation School were being taken to the Post Office, the servants were robbed by two youths armed with revolvers in Bogra town.

(53) On 15th August 1932, a dacoity was committed in two houses in Charmuguria, police station Madaripur, Faridpur

(54) On 30th August 1932, a dacoity was committed in a house at West Noapara, police station Raozan, Chittagong.

(55) On 1st September 1932, five persons were arrested in a boat with arms, while on their way to commit a dacoity at Bhangeswardi, police station Bhusna, Faridpur.

(56) On 7th September 1932, a highway robbery by three youths armed with a pistol and daggers was committed near the Dacca Railway Station, Dacca.

(57) On 9th September 1932, a dacoity was committed in the house of Kanjali Charan Parui of Konnagar, Hooghly.

(58) On 14th September 1932, a dacoity was committed in the house of Narendra Shome of Shomepara, police station Munshiganj, Dacca.

(59) On 15th September 1932, an armed youth attempted to snatch away the mail bags from the mail peon near Khankhanapur Railway Station, Faridpur.

(60) On the 15th September 1932, a robbery with murder was committed at Begutia, police station Memari, Burdwan.

(61) On 25th September 1932, a dacoity was committed in the Lonesingh Post Office, Faridpur.

(62) On 26th September 1932, a dacoity was committed in a house at Panjia, police station Keshabpur, Faridpur.

(63) On 12th October 1932, a mail robbery was committed at Kamarpukur, Bankura.

(64) On 1st November 1932, a dacoity was committed in a house at Medda, police station Brahmanbaria, Tippera.

(65) Between 1st November 1932 and 2nd November 1932, a dacoity was committed at the Chandeo Kandi Board School in Mymensingh district.

(66) On 5th November 1932, an attempt to rob the mails was made at Islampur, police station Dhamrai, Dacca.

(67) On 28th November 1932, a dacoity was committed in the house of Brajabashi Banikya of Bejoypur, police station Parasuram, Noakhali.

(68) On 18th December 1932, a dacoity was committed in the house of Rakhal Chandra Mukharji of Chituri, police station Labpur, Birbhum.

OTHER OUTRAGES.

(*a*) *Bomb Throwing*—3.

(1) On 11th January 1932, a bomb was thrown at the boat of Circle Officer Maulvi Anwaruddin at Gohala, Muksudpur, Faridpur.

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1932—*cont.*

(2) On 2nd April 1932, a bomb was thrown at the house of Fatik Sinha of Plasseypara, police station Tehatta, Nadia.

(3) On 11th April 1932, a bomb was thrown into the quarters of the officer in charge of the Amta police station, Howrah.

(*b*) *Bomb Explosions*—4.

(1) On 15th April 1932, a bomb while being prepared exploded at Swamibag, police station Sutrapur, Dacca.

(2) On 27th May 1932, a bomb while being prepared exploded in the house of Kanai Lal Banarji of 35, Baikantha Chatarji Lane, Howrah.

(3) On 22nd October 1932, a bomb exploded at Joypurhat, Bogra.

(4) On 11th December 1932, a bomb exploded in the house of Suren Kabiraj of Raniganj, police station Asansol, Burdwan.

1933—"A."

(1) On 18th May 1933, when a suspected shelter was surrounded by the Police and Military at Gahira, Anwara, Chittagong, certain Armoury raid and terrorist absconders opened fire on the Government forces. Two absconders, viz. Tarakeswar Dastidar and Miss Kalpana Dutt, were arrested. The Government forces sustained no casualties.

(2) On 22nd May 1933, when No. 136, 3B, Cornwallis Street, Calcutta, a suspected shelter of absconders, was surrounded by the Police, the absconders opened fire on the raiding party and wounded Special Branch Inspector M. Bhattacharji. Three dangerous absconders, including two who had escaped from custody, were arrested after an exchange of shots.

(3) On 2nd September 1933, Mr. B. E. J. Burge, I.C.S., District Judge of Midnapore, was shot dead at Midnapore. Two of his assailants were killed.

(4) On 28th October 1933, a party of 15 youths, carrying arms, raided the Hili railway station in the Dinajpur District and got away with cash and mail bags, after wounding a postal peon, a railway mechanic and four coolies. The postal peon subsequently died. Seven of the dacoits were arrested by the police later in the same day.

1933—"B."

(1) On 3rd January 1933, a mail dacoity was committed at Baramaira, police station Amta, Howrah.

(2) On 4th January 1933, a dacoity was committed in a house at Nalua, police station Matlab, Tippera.

(3) On 9th January 1933, two *bhadralog* youths attacked Private Flavell with iron rods on Savage Road, police station Lalbag, Dacca, for the purpose of stealing his revolver.

(4) On 22nd May 1933, an attempt was made to rob mails between Fakirhat and Rangdia, Khulna.

(5) On 24th May 1933, a mail robbery was committed at Kanchanpur Road, Bankura.

(6) On 13th June 1933, a mail dacoity was committed at Falshatia, police station Manikganj, Dacca.

(7) On 14th April 1933, an attempt was made by two armed youths on cycles to rob a jeweller in Lalchand Makim's Lane, police station Sutrapur, Dacca.

(8) On 16th June 1933, while a local merchant was taking an insured cover containing Rs. 1,000 to the Ghorama Post Office, he was attacked and robbed by three youths at Ranibazar, Boalia, Rajshahi.

(9) On 28th June 1933, an armed mail robbery was committed at Deruabari, police station Kotulpur, Bankura.

ANNEXURE IV.

STATEMENT SHOWING NUMBER OF PERSONS ARRESTED AND DEALT WITH UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1930, AND REGULATION III OF 1818, DURING THE YEARS 1930 TO 1933.

A

Year	Number of Persons arrested and dealt with under the B.C.L.A. Act, 1930	Number of Persons arrested and dealt with under Regulation III of 1818
1930	454	Nil.
1931	452	18
1932	927	3
1933	334	Nil.
Total	2,167	21

B

Analysis of the 2,167 persons arrested and dealt with under the Bengal Criminal Law Amendment Act, 1930 :—

(i) Number in jails in Bengal under section 4 (3)	57
(ii) Number in jails in Bengal under section 2 (1)	212
(iii) Number in jails outside Bengal under section 2 (1)	3
(iv) Number in camps :—	
(*a*) Berhampore	477
(*b*) Buxa	150
(*c*) Hijli	317
(*d*) Deoli	192
(v) Number in Home Domicile and village domicile	288
(vi) Number released and not under restraint	389
(vii) Number otherwise under restraint	46
(viii) Number undergoing imprisonment	25
(ix) Number of deaths	5
(x) Number absconding	6
Total	2,167

C

Analysis of the 21 persons arrested and dealt with under Regulation III of 1818 :—

(i) Number in jails outside Bengal	18
(ii) Number on parole	1
(iii) Number released	1
(iv) Number of deaths	1
Total	21

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

APPENDIX B.

LIST OF IMPORTANT OUTRAGES, CRIMES AND OTHER INCIDENTS CONNECTED WITH THE TERRORIST MOVEMENT, UP TO THE 30TH JUNE 1933, IN THE FOLLOWING PROVINCES:—

(1) The United Provinces.
(2) Bihar and Orissa.
(3) The Punjab.
(4) Delhi.
(5) The Bombay Presidency.
(6) The Madras Presidency.
(7) Burma.
(8) Central Provinces.
(9) Assam.
(10) North-West Frontier Province.

UNITED PROVINCES.

1930.

(1) On 31st May, at Cawnpore, an explosion occurred of some chemicals while explosives for bombs were being prepared.

(2) On 8th August, at Jhansi, one Laxmi Kand Pande attempted to assassinate the Commissioner of the Division.

(3) On 8th September, in Benares City, a bomb in a barley tin exploded, killing an elderly woman.

(4) On 1st December, at Cawnpore, a police search party was attacked and three wounded by one Salig Ram Shukla, who was shot dead.

1931.

(5) From 1st to 13th January, in Benares, a series of bombs exploded. A small boy was injured.

(6) On 2nd January, at Cawnpore, one Asoka Kumar Bose attempted unsuccessfully to assassinate Inspector Tika Ram, C.I.D., and a Sub-Inspector. The assailant was arrested and was convicted.

(7) On 3rd January, at Farrukhabad, a bomb exploded against a wall.

(8) On 7th January, at Benares, an attempt was made, in which bombs were used, to rob the Mail Van.

(9) On 11th January, at Cawnpore, a cocoanut-shell bomb was thrown into the camp of the Deputy Collector. It did not explode.

(10) On 21st January, at Cawnpore, a bomb exploded in a Mohalla without injury.

(11) On 6th February, at Benares, a cocoanut-shell bomb was discovered unexploded.

(12) On 6th February, at Benares, a cocoanut-shell bomb exploded in the compound of a house occupied by a Munsiff.

(13) On 17th February, at Shahjahanpur, a bomb exploded in a Dharamsala. One person was injured.

(14) On 27th February, at Allahabad, Chandra Shekhar Azad, an important terrorist leader, was shot dead at the Alfred Park, after a revolver fight with the police.

(15) On 3rd March, at Sitapur, a liquor vendor was injured by a bomb, and subsequently a crude bomb was found in the house of a goldsmith.

(16) On 6th June, at Cawnpore, two constables who had arrested a "wanted" revolutionary were attacked and seriously wounded.

(17) On 20th June, at Cawnpore, an armed robbery was committed in a shop. The Munim (clerk) of the shop was killed.

UNITED PROVINCES—1931—*cont.*

(18) On 22nd–23rd June, at Lucknow, two young men on bicycles stopped a carriage in which were a cloth merchant and two of his friends, throwing two bombs and slightly injuring the cloth merchant, one of his friends and the driver. They were subsequently arrested in Patna.

(19) On 18th July, at Cawnpore, an attempt was made on the life of a terrorist named Bir Bhaddar Tiwari, suspected of having turned informer.

(20) On 21st July, at Cawnpore, Ramesh Mehta, a terrorist, was shot and wounded by, it is alleged, one Raja Ram Zalim, a suspected terrorist.

(21) On 6th August, at Cawnpore, an employee of a cloth merchant was attacked and robbed at the point of a revolver. The culprit was arrested after he had wounded two of his captors.

(22) On 11th August, at Cawnpore, Raja Ram Zalim was shot dead by an unknown assailant.

(23) On 18th August, at Benares, a bomb exploded in a Police Outpost, injuring a policeman.

(24) On 24th November, at Jalaun, a second murderous attack was made on Bir Bhaddar Tiwari.

1932.

(25) On 23rd January, at Allahabad, Yashpal, said to be Commander-in-Chief of the Hindustan Socialist Republican Army, was arrested after an exchange of revolver shots with the police. Two revolvers and a large quantity of ammunition were found.

(26) On 26th January, at Lucknow, a bomb was thrown at a policeman, but did not explode.

(27) On 1st February, at Lucknow, a bomb was thrown, injuring four sub-inspectors, two naiks and two members of the public.

(28) From 23rd February to 8th April, at Allahabad, a series of bombs exploded. Two constables and one private person were injured.

(29) On 1st April, at Benares, five persons were arrested attempting to destroy one of the piers of the Dufferin Bridge over the Ganges.

(30) On 10th May, at Sitapur, a country-made bomb exploded outside the house of the Superintendent of Police, causing no damage.

(31) On 13th July, at Agra, an armed dacoity was attempted by about half a dozen men. Two of them entered into the house of a rich business man, and fired at him and his munim, killing the latter. An alarm was raised and the dacoits fled.

(32) On 22nd November, in the Hardoi district, an express train was stopped by the communication cord. Two youths descended and on being challenged by the guard, they fled after one of them had fired at and wounded him. On their arrest the culprits admitted that they were on their way to join the revolutionary party in Calcutta.

1933.

(33) On 4th January, at Agra, three youths endeavoured to relieve a postman of Rs. 4,475 to gain funds for revolutionary purposes. One was arrested.

(34) On 5th January, at Cawnpore, the police were subjected to revolver fire when arresting a revolutionary absconder. The absconder was subsequently convicted.

(35) On 2nd February, at Sitapur, a postman carrying Rs. 633 was held up at the point of a revolver by two young men in broad daylight. The men seized the cash bag and made off.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

UNITED PROVINCES—1933—*cont.*

(36) On 5th February, at Cawnpore, a country-made bomb containing broken glass and pieces of metal was found broken but unexploded.

(37) On 25th February, at Benares, a merchant carrying money was attacked by two men, one of whom shot him when he refused to part with his property. One of the assailants was arrested after a running fight in which three more men were wounded by pistol shots. The other was also arrested on the spot. The merchant died.

(38) On 15th March, at Benares, a revolutionary absconder was arrested and found to be in possession of a loaded revolver and 59 cartridges.

(39) On 21st May, at Lucknow, a dangerous bomb was placed in the drain of a Police Outpost, but failed to explode.

BIHAR AND ORISSA.

1930.

(1) On 28th May, at Jhanjhara, an armed dacoity was committed.

(2) On 30th May, at Dheluaha, an armed dacoity was committed.

(3) On 13th October, at Jamalpur, three unknown men fired five shots at a Police Sub-Inspector and constable, who returned the fire, but the culprits escaped.

1931.

(4) On 13th April, at Patna, two cocoanut bombs exploded in an empty school and one unexploded bomb was found.

(5) On 15th June, at Hajipur, the Station Master and his Assistant and two coolies, while carrying cash bags, were attacked by armed dacoits, who opened fire. The Station Master and his Assistant were wounded, and the dacoits escaped with Rs. 640. A coolie was injured by a Kukri cut. The Station Master died.

(6) On 28th June, at Patna, a Sub-Inspector of Police was killed and a head constable seriously wounded by a bomb thrown by two revolutionaries, both of whom were injured also. Three bombs, one service revolver, 71 cartridges, one automatic pistol and two cartridges were recovered.

(7) On 31st July, at Patna, two men were injured while handling a bomb which exploded. One died.

(8) On 12th August, at Chapra, two youths were arrested, and one six-chambered revolver, an old pattern double-barrel pistol (loaded), some gunpowder and chloroform were recovered.

1932.

(9) On 9th November, at Bettiah, an approver in the Lahore Conspiracy Case of 1930 was fatally stabbed by two youths. One Ganesh Gupta was also fatally wounded by the assailants when he tried to prevent their escape.

PUNJAB.

1930.

(1) On 22nd February, at Amritsar, a country-made bomb was thrown at the Principal of the Khalsa College, while he was presiding over a gathering of 150 students. One person was killed and 11 wounded. Three persons were arrested and one convicted, but subsequently acquitted by the High Court.

PUNJAB—1930—*cont.*

(2) On 3rd March, at Jullundur, two cocoanut bomb-shells and a quantity of chemicals were found.

(3) On 9th March, at Amritsar, three bombs exploded in front of the City Kotwali.

(4) On 14th April, at Simla, a crude bomb was thrown at a police constable, but did not explode.

(5) On 26th May, at Sialkot, while a Hindu youth was filling explosives into a cigarette tin, one of his hands was blown off and he died.

(6) On 28th May, at Lahore, an explosion occurred while members of the Lahore revolutionary party were testing a bomb.

(7) On 27–28th May, in the Ludhiana District, two bombs were thrown at the railway line, for experimental purposes, by certain local undesirables, who planned a conspiracy to murder the Superintendent of Police and Deputy Commissioner.

(8) On 2nd June, at Lahore, a bomb exploded in a house which was used by the revolutionaries as a depôt.

(9) On 6th June, at Lyallpore, a bomb was thrown into a club exclusively used by European officers, but caused no damage.

(10) On 16th June, at Jhang, a bomb was thrown into the Police Post. Two policemen were wounded. Four persons were arrested, three convicted.

(11) On 19th June, at Rawalpindi, Lahore, Amritsar, Lyallpore, Gujranwala, Sheikhupura, simultaneous explosions of six very powerful "booby trap" bombs occurred. Two police officers were killed and four wounded.

(12) On 20th July, at Lahore, a bomb exploded in a suitcase belonging to a Sikh member of the Lahore revolutionary party.

(13) On 22nd July, at Moghulpura (Lahore), a bomb exploded inside a Sarai while it was being tested by a member of a secret organisation.

(14) On 28th July, at Amritsar, two youths were arrested at the Railway Station. Two revolvers and some cartridges were recovered.

(15) On 28th July, at Bhiwani, Hissar, a bomb containing glass, &c., was thrown into City Police Station. No damage was done.

(16) On 29th August, at Amritsar, a bomb exploded near the police barracks. One person was injured.

(17) On 4th October, at Lahore, an attempt was made on the life of K. B. Abdul Aziz, Superintendent of Police, while he was going in his car. K. B.'s orderly received a wound as a result of which he died later. The driver was also injured.

(18) On 12th October, at Lahore, an attempt was made on the life of Sergeant Smyth of the Lahore Police, with a revolver, but he escaped unhurt.

(19) On 4th November, at Lahore, two revolutionaries, Tehl Singh and Bashehar Nath, fired revolver shots at a police party deputed to effect their arrest. One of them was shot and died of wounds.

(20) On 7th November, at Lahore, a bomb and explosive material were found in a house.

(21) On 15th November, at Lahore, six revolvers and cartridges were found.

(22) On 17th December, at Sialkot, one country-made bomb exploded in the Government High School and two live bombs were found in Murray College. No one was injured.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

PUNJAB—1930—*cont.*

(23) On 23rd December, at Lahore, when His Excellency the Governor of the Punjab was leaving the University Hall, at the conclusion of the Convocation, he was fired at by one Hari Kishan of Mardan (N.W.F.P.), and injured in the arm and hip. Two ladies, an Inspector of Police and an Assistant Sub-Inspector of Police were also wounded. The last mentioned subsequently succumbed to his injuries. The assailant was arrested on the spot and was sentenced to death.

1931.

(24) On 31st January, at Lahore, empty bomb-shells and a small quantity of bomb-making materials were found.

(25) On 14th April, at Ambala, two loaded revolvers, 24 live cartridges, an air-pistol and slugs, and three rounds of automatic ammunition were recovered from the luggage of a youth.

(26) On 30th April, at Chunian, District Lahore, three Hindus were arrested in the act of preparing bombs. Seven bombs in preparation were recovered.

(27) On 4th May, at Kup (P.S. Multan), cocoanut shell bombs filled with broken glass and razor blades were thrown into the Police Station.

(28) On 7th May, at Sucketgarh, while two suspects were being brought under escort from Jammu State they, along with two companions who were travelling with them for the purpose of standing bail, attacked the escort with revolvers. A constable was shot dead and a Head Constable and a Sub-Inspector were wounded.

(29) On 11th May, at Adampur, a bomb exploded in the hands of a Sikh, seriously injuring him and a companion. The former died.

(30) On 21st May, at Shahdara, two revolvers, one automatic pistol, five sticks of dynamite and some fuses were recovered from two arrested men.

(31) On 22nd May, at Sidh Marja, District Hoshiarpur, a bomb exploded, seriously injuring an Akali Sikh. Three more bombs were recovered.

(32) On 26th July, at Amritsar, two youths were arrested and a country-made muzzle-loading pistol was recovered. They were said to be members of a party for murdering high officials.

1932.

(33) On 12th March, at Lahore, a gold lace firm in the city was unsuccessfully attacked at a late hour by four young men armed with revolvers. It was found that the assailants were terrorists and the dacoity was attempted to serve political motives.

(34) On the night of 11th–12th May, at Ludhiana, all the wires on the Ludhiana-Ferozepore line were cut some $8\frac{1}{2}$ miles from Ludhiana. The following night all the wires were cut at three other places. A bomb in a cigarette tin which was picked up near the scene of one of the wire-cutting occurrences exploded.

1933.

(35) In March, in district Karnal, two men robbed a man of a gun and a bicycle and fled after shooting him in the wrist.

DELHI.

1930.

(1) On 6th July, a dacoity was committed at the Gadodia Store.

(2) On 28th October, Kailashpati, an absconder in the first Lahore Conspiracy Case, was arrested and four bomb shells, a Mauser pistol, ammunition, bomb-making materials and a mass of revolutionary literature was recovered. Enquiries resulted in the find of chemicals—enough to make explosives to fill about 6,000 bombs—in a house in Delhi.

(3) On 1st November, Dhanwantri, a listed absconder, attacked a policeman who attempted to arrest him, with a revolver. The policeman was injured but succeeded.

(4) On 26th December, a cigarette tin bomb was found at the railway station, and exploded. Two employees were injured, one fatally.

1931.

(5) On 17th April, four coolies were seriously injured and a passenger coach damaged, as a result of a bomb explosion near the Main Station.

(6) On 15th August, a revolver was recovered from the house of two Sikhs.

1932.

(7) On 2nd February, fragments of a bomb were found on the G.I.P. Railway line, at a spot 400 yards south-east of the Hardinge Bridge. The bomb was of a dangerous type but exploded harmlessly. The special train carrying the Lothian Committee passed the previous night.

(8) On 20th July, a constable on traffic duty was attacked by two persons who hit him on the head with an iron bar and attempted to snatch his revolver. They were disturbed, however, and were subsequently arrested and convicted.

BOMBAY AND SIND.

1930.

(1) On 21st February, at Jalgaon, an attempt was made with a revolver, smuggled from outside, by one Bhagwan Das, an undertrial prisoner, to murder the approver Jai Gopal. Jai Gopal and a Sub-Inspector of Police were wounded.

(2) On 10th and 12th April, when the G.I.P. Railwaymen's strike was in progress, certain strikers and others, who had entered into a conpiracy to blow up railway lines, stations and bridges, manufactured bombs and exploded one on the railway line between Parel and Dadar, one on Masjid Station, and one on Byculla Station. No serious damage was done. On the arrest of the conspirators, a large quantity of explosives was recovered.

(3) On 15th September, at Karachi, a crude bomb was thrown at the City Police Station, but caused no damage.

(4) On 29th September, at Karachi, a bomb exploded in Rewachand's Building.

(5) On 9th October, in Bombay, a shooting outrage near the Lamington Road Police Station took place, in which Sergeant Taylor and his wife were injured.

(6) On 25th November, at Karachi, a practically completed bomb and bomb-making materials were recovered.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

BOMBAY AND SIND—1930—*cont.*

(7) On 28th November, at Hyderabad (Sind), a crude bomb exploded in the compound of the bungalow of the Deputy Superintendent of Police.

(8) On 27th December, at Ahmedabad, a bomb exploded in the house of a tailor, in which he and a friend of his, both low-class Congress workers, were seriously injured. The bomb was intended to be used for killing local police officers.

1931.

(9) On 12th January, in Bombay City, a crude cocoanut-shell bomb exploded near the Mahabavdi Police Station. No damage was done.

(10) On 13th January, at Ahmednagar, a bomb was thrown into the compound of the sub-jail without causing damage.

(11) On 12th and 18th June, in Bombay, bombs exploded in Gunpowder Street.

(12) In May and June, at Poona, two rifles and one gun were stolen by some youths who were arrested. The arms were to be utilised in murdering certain British officers.

(13) On 22nd July, at Poona, an attempt was made on the life of the Acting Governor (Sir Ernest Hotson), by a student while His Excellency was on a visit to the Fergusson College, Poona. The assailant fired point blank at His Excellency, who had a miraculous escape, the bullet striking a metal button on his pocket book. Two revolvers and a dagger were recovered. The assailant was convicted.

(14) On 23rd July, at a village in Sind, an armed dacoity was committed in which Rs. 4,697 were looted. The object was to collect money for the purpose of avenging Bhagat Singh.

1932.

(15) On 3rd June, at Hyderabad (Sind), Hans Raj *alias* Wireless, a very important member of the Hindustan Socialist Republican Association, was arrested. A loaded automatic pistol, a country-made pistol, and an air-pistol were recovered, together with a certain amount of ammunition and two bomb-shells.

(16) On 19th October, at Panvel, an attempt was made on the life of Sub-Divisional Magistrate, Northern Division, Kolaba.

(17) On 30th October, in Bombay, on the arrival of *S.S. Hiraudi* from Goa, four revolvers and 25 cartridges were found in a passenger's luggage.

1933.

(18) On 7th April, in Bombay, a road robbery occurred, when a schoolmaster was relieved of the pay of his staff. The investigation of the crime disclosed the existence of the terrorist group "Anand Mandal." There was good reason to believe that three members of this party abetted the manufacture of the two very crude bombs which were thrown in the Empire Theatre, Bombay, on two occasions in March and in April 1933. They were charged accordingly but acquitted.

(19) On 21st April, at Ahmedabad, a loaded revolver, explosive substances mixed with pellets and gramophone needles, four bottles of kerosene oil mixed with petrol, a quantity of chemicals, and several copies of a leaflet threatening foreign cloth dealers with death if they persisted in selling foreign cloth, were found after the arrest of two suspected incendiaries.

(20) On 16th June, at Hyderabad (Sind), a bomb was thrown by two youths, near two British soldiers, one of whom was slightly injured.

MADRAS.

1933.

(1) On 16th March, in Madras, a revolver was found in the Governor's box in the Legislative Council Hall.

(2) On 15th April, at Cocanada, half a dozen bombs were found in a boat.

(3) On 26th April at Ootacamund, four individuals dressed in khaki shirts and shorts, and armed with revolvers, successfully raided the Travancore National Bank. All were subsequently arrested and convicted.

BURMA.

1930.

(1) On 2nd July, near Insein, two revolver shots were fired at two police officers.

(2) On 1st September, in Rangoon, a daylight highway robbery was committed.

(3) On 28th October, between Subhinta and Nyaungchidauk Railway Stations, the Rangoon Mail was derailed.

CENTRAL PROVINCES.

1930.

(1) On 7th April, at Village Kauria, District Narsinghpur, a bomb explosion occurred in the house of a goldsmith. The goldsmith was killed and on a search of his house a quantity of chemicals and communistic and revolutionary literature was recovered.

1931.

(2) On 9th August, at Saugor, a dangerous bomb was found in the Government High School.

(3) On 21st August, at Marathi School, Burhanpur, a cocoanut bomb was thrown into a scout rally at which the Divisional Commissioner was present. The bomb did not explode.

(4) On 23rd July, between Dongargaon and Mandwa, two European military officers travelling in the Punjab mail were stabbed, one of whom (Lieutenant Hext) subsequently succumbed. Two persons who had committed the murder and an abettor were arrested.

1932.

*(5) On 3rd April, at Betul, a ·455 bore revolver was stolen from the house of a retired Sub-Inspector of Police.

*(6) On 9th June, at Hinganghat (Wardha), Rs. 1,403 were stolen from the railway station safe.

*(7) On 2nd July, at Nagpur, a ·455 bore revolver was stolen from the bungalow of the City Superintendent of Police.

ASSAM.

1931.

(1) On 6th January, between Harashpur and Gobindpur, a mail robbery was attempted.

(2) On 12th January, at Hatigarh, a dacoity was committed in which Rs. 3,420 in cash were stolen. One person was injured.

* These offences were committed by members of a revolutionary organisation, 13 of whom were prosecuted and 10 convicted.

A NOTE BY THE SECRETARY OF STATE FOR INDIA ON TERRORISM IN INDIA.

ASSAM—1931—*cont.*

(3) On 31st January, at Kamalganj, a mail robbery was committed.

(4) On 2nd March, at Dharampur, highway robbery of mails was attempted.

(5) On 2nd July, near Gauripur Junction, an armed dacoity was committed in which Rs. 2,796 were looted.

1932.

(6) On 27th February, between Shaistaganj and Habiganj, four masked men, armed with revolvers and daggers, entered the mail van of a passenger train and looted all the mail bags.

(7) On 27th September, at Dughar, cash and ornaments valued at Rs. 15,400 were stolen in a dacoity, probably committed by terrorists.

1933.

(8) On 12th January, near Sylhet, four bhadraloks assaulted the two mail runners from Sylhet to Sunamganj, took their bags and got away with Rs. 5,000–6,000 in insured covers and about Rs. 400 in cash.

(9) In February, in the Sylhet district, a serious dacoity took place in which a boy was shot dead and Rs. 3,000 were stolen.

(10) On 13th March, at Itakhola, Sylhet district, six bhadralok youths attacked a mail runner and when surrounded by villagers one of them opened fire, but was caught after one villager had been killed and two others wounded. The other dacoits fled with Rs. 1,400. Four were arrested later on.

NORTH-WEST FRONTIER PROVINCE.

1930.

(1) On 2nd July, in Peshawar Cantonment, a bomb exploded beneath the engine of the Calcutta mail train. No damage was done.

(2) On 8th July, at Peshawar, a crude bomb exploded outside the house of an Honorary Magistrate. No damage was done.

(3) On 15th July, in Peshawar Cantonment, an explosion occurred in one of the two old ornamental guns in the Mackeson Gardens.

(4) On 1st September, at Peshawar, a bomb of the Mills type, wrapped in cloth, was found by a Police Inspector on returning to his house at midnight. It exploded but did no damage.

(5) On 1st September, at Bannu, a bomb of the Mills type exploded in the house of the City Inspector, but did no damage.

1931.

(6) On 14th January, at Qudi Killa P.S. Sadr. Mardan, two Mills grenades were recovered from the house of a Hindu.

(7) On 20th–21st January, at Peshawar, a country-made bomb exploded on contact with the wheels of an engine, but did no damage.

(8) On 14th March, at Peshawar, a country-made bomb was thrown near the Kissa Khan Police Station, but it failed to explode.

(9) On 8th May, at Peshawar, two country-made bombs were found by the servant of a bookseller in the Kissa Khani Bazar.

(10) On 30th June, at Bannu, two bombs were found in the possession of a labourer.

(11) On 15th August, at Kot Najibullah, a youth, who was apparently preparing a bomb, was injured when it exploded.

IV.—Questions asked by the Marquess of Salisbury on the position of the States in the Federal Finance Scheme of the White Paper, and replies thereto by the Secretary of State for India [16th December, 1933].

QUESTIONS BY THE MARQUESS OF SALISBURY.

It has been repeatedly stated that the States are not prepared to pay direct taxation until after all other sources of Federal revenue required to meet Federal expenditure have been exhausted, taking into account all possible savings through economy, and until therefore a condition of emergency has arisen. Then and then only will they directly contribute on a prescribed basis. This limitation, however, on direct taxation in the States is not to be held to apply to the Corporation Tax, at any rate in the case of a majority, I think a great majority, of the States. But it should be added, from the White Paper itself, that this tax for the first ten years is to be leviable only from British India. I am sure it will be agreed that it is most important that the Committee should realise the exact effect of the position of the States. I take it to be as follows:

1. Except in a state of emergency the States will not undertake to pay anything by way of direct taxation to Federal revenue for the first ten years.

2. After ten years they, or at any rate most of them, agree to be assessed to Corporation Tax on an equal footing with British India, though they reserve to themselves the right to pay an equivalent sum in place of actually levying the Corporation Tax.

Certain further questions arise, but they are subsidiary to these two main propositions.

3. As apparently, if all the Federal units are to bear an equal burden, the Income Tax being not leviable on the States cannot be used for Federal purposes except in an emergency, how is it proposed that the Federal Budget shall be balanced for the first ten years?

4. After ten years is it contemplated that the Federal Budget should if necessary be balanced by the Corporation Tax, and is the scope of this tax sufficiently productive and sufficiently equitable to be adequate for this purpose having regard to the unequal distribution of Companies in the different units of the Federation?

5. How is it intended that the prescribed basis on which in an emergency the Income Tax is to be levied from the States should be calculated?

6. How is it contemplated that the Assessment of Companies in the States is to be made and verified for the purposes of the Corporation Tax?

If the statements in paragraphs 1 and 2 are accurate and the Secretary of State is good enough to answer the questions in the remaining paragraphs, we shall have a clearer idea of the financial position of the States in the proposed Federation.

QUESTIONS ASKED BY THE MARQUESS OF SALISBURY ON THE POSITION OF THE STATES IN THE FEDERAL FINANCE SCHEME OF THE WHITE PAPER, AND REPLIES THERETO BY THE SECRETARY OF STATE FOR INDIA.

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA IN REPLY TO THE ABOVE.

Questions Nos. 1 *and* 2.—Numbers 1 and 2 of Lord Salisbury's questions correctly state the position, but the following comments may be made by way of further elucidation. First it may be well to recall to the Committee the main heads of revenue at the Centre as given in Sir Malcolm Hailey's note, Record No. 1*. These are repeated for convenience of reference.

	Rs. Crores.	*£ Millions.*
Customs (net)	50·27	37·70
Income taxes (net)	17·21	12·91
Salt (net)	7·60	5·70
Other taxes (net)	·60	·45
Net tax revenue	75·68	56·76
Opium (net)	·63	·47
Railways (net)	Nil	Nil
Currency and Mint (net)	1·11	·83
Payments from States	·74	·56
Total	78·16	58·62

It will be seen that "direct taxation" is in practice equivalent to taxes on income and that these form only a little over one-fifth of the total net revenue. It also will be remembered that during the first ten years to which question No. 1 refers, the tributes from the States (about half a million pounds a year) will only be in process of gradual reduction *pari passu* with the remission of income tax to the Provinces, and that, accordingly, there will during this period at least be a contribution from some States otherwise than through "indirect taxation". It may also be well to add a comment on the phrase "state of emergency" in connection with the States' liability to contribute to taxes on income. It is true that it is only contemplated that the States should participate in special surcharges on income tax and that these special surcharges are not intended to be used except in times of difficulty when other sources open to the Federation have proved insufficient.† But the use of the term "emergency" must not be held to cover only grave financial crises.

Question No. 3.—It is evident from this question that there is a misconception in the minds of some members of the Committee. It is not proposed under the White Paper scheme that, because the States will only contribute to taxes on income through special surcharges (if and when these are imposed) the Federal Government should therefore forego the right to keep any part of the taxes on income raised from British India and should surrender the whole of it to the Provinces. The proposals in the White Paper contemplate that a certain percentage of the taxes on

* These figures give the budget estimate of Central Revenue (net) for 1933–34, and are not, of course, an estimate for the first year of Federation; but they will serve adequately as an illustration for the purpose of this note.

† Sir A. Hydari adds in his statement of 27th July the not unreasonable condition that the programme of remission of income tax to the Provinces should be suspended.

income should be permanently assigned to the Federation and the determination of this percentage is left to be fixed subsequently by Order in Council. Unless financial conditions change for the better more radically than we have any reason to expect, I doubt whether it will be possible to fix the Federal permanent share of income tax at less than the maximum figure mentioned in the White Paper, viz. 50 per cent. As regards the balance of taxes on income, under the White Paper proposals as they stand, the Federation has the power of retaining the whole for three years, followed by a process of gradual remission to the Provinces extending over the next seven years. So that for three years the Federation has the whole Income Tax, and by the end of ten years, the Federation would have half and the Provinces half. There is a power in the Governor-General to hold up this programme and so retain, for the time being, more for the Centre. A point to which the Committee ought in due course to give careful attention is whether the most suitable method, in the existing financial conditions is that proposed in the White Paper, viz. a predetermined programme with power to suspend, or machinery by which the programme is left to be settled at a later date. However that may be, it will be plain that it is contemplated that although the States will not be contributing, the Federation should retain permanently a large portion of the taxes on income and only remit the remainder to the Provinces gradually as financial conditions admit.

The implication in question No. 3 is, apparently, that such a proposal is, at all events theoretically, unfair seeing that the Federation uses a source of taxation derived from some of the units only. At the second and third Round Table Conferences there was a good deal of discussion about the "equality of burden" as between the States and British India. The true position, viewed from this aspect, is not very easy to assess. Some of the many factors that have to be taken into consideration are the following:—

(i) Part of the taxes on income are in fact not collected solely from British India. Perhaps the most important head of this kind is income-tax deducted at the source on the interest on Government Securities which are widely held in the States as well as in British India.

(ii) If certain revenues are provided by British India only, *per contra* part of the Federal expenditure is only for British India, such as:—

(*a*) subsidies to deficit provinces other than the N.W.F.P.;

(*b*) a share of certain pre-Federation pensions;

(*c*) possibly also a share of the service of pre-Federation debt.

(This is a contentious question on which there has been much argument on one side and the other.)

(iii) The States make certain contributions in kind to Defence Expenditure, to which there is no parallel in British India.

The general conclusion which the Government reached, with a considerable measure of assent from the Indian delegates, was that it was very important to get away from any attempt to balance factors of this kind and to base their proposals for the allocation of resources between the Federation and Provinces (and in particular allocation of taxes on income) according to actual financial and economic necessities rather than to attempt to produce theoretical equality of burden between British India

and the States. I regard as one of the most important of such necessities, an arrangement by which, eventually, both Provinces and Federation will have an element of direct taxation (viz. taxes on income) included among their resources.

I do not propose to make any attempt to give a precise estimate as to what would be the percentage of taxes on income drawn solely from British India which the Federation could retain without violating the principle of equality of burden, but assuming that the percentage retained is fixed as high as 50 per cent., there would probably be, in relation to taxes on income, a permanent inequality though not of great magnitude, and during the first 10 years, or longer period if the programme of remission to the Province is prolonged, there will be a larger inequality. At first sight this may appear unfair to British India, but it is impossible in the circumstances of India to proceed straight to an equality of position between the States and British India, when they have been so different in the past.

The really important feature of the Federal proposals in the financial field is not the failure to secure from the States their full contribution in relation to direct taxation but the dropping of their claim to a share in customs revenue which, backed to some extent by the Butler Committee, was becoming a problem of considerable gravity.

Question No. 4.—The present yield of the Corporation tax is about £1½ millions a year or approximately one-tenth of the total yield of taxes on income. No estimate has been made of the possible yield from Companies in the States. The proposal to federalise permanently this head of taxes on income did not in any way flow from the conception that it would be an item which was capable of balancing the Federal Budget. It is possible that it is a tax that may be developed, but it is by no means free from objections and it may well prove that it will not in future play a much more important part than it does now. The reason why this was singled out for special treatment was that it was the one form of taxes on income (other than special surcharges) in which most of the States at all events showed some disposition to be ready to participate. The advantage to be derived from their participation is really less directly financial than economic since it may help to prevent any future development in the direction of companies establishing themselves in the Indian States rather than in British India in order to avoid the incidence of the tax.

Question No. 5.—Since it will not be possible to form any accurate estimate of the income of States' subjects which would be assessable to income-tax if they were all liable under the British Indian Income Tax law, it is plain that some more or less arbitrary method will have to be employed for calculating the States' share of special surcharges when these are imposed. No method is altogether free from difficulty. The most promising proposal seems to be the following. An estimate would be made of the total revenues of each federating State and also of the British India Provinces on as nearly an equal basis as may be possible. The sum to be paid by the States as their counterpart to the special surcharges would then be the yield of surcharges in British India multiplied by the ratio of the sum of the States' revenues to the sum of the British India Provinces' revenues. The amount thus determined for the States would be divided among the States' units in proportion to their revenues. Probably

QUESTIONS ASKED BY THE MARQUESS OF SALISBURY ON THE POSITION OF THE STATES IN THE FEDERAL FINANCE SCHEME OF THE WHITE PAPER, AND REPLIES THERETO BY THE SECRETARY OF STATE FOR INDIA.

percentages based on a method of this kind could be fixed for a period of five years at a time. The duty of revising the percentages in the light of new revenue figures might be laid on the Auditor-General.

Reference may be made on this question to paragraph 113 of the Report of the Federal Finance Committee, presided over by Lord Eustace Percy, in which is discussed the problem of allocation among units of "emergency contributions" of an analogous though slightly different kind.

Question No. 6.—Except where a State elects to pay Corporation Tax direct, the Companies in the States would be assessed either by Federal Officers or by States Officers acting on behalf of Federal Officers. In those cases where a State prefers that tax should not be paid direct by the Company but by the State, the latter choosing its own form of raising equivalent revenue, the power of assessing the sum to be paid by the State rests with the Federal Government. Since the Companies will, under the Federal Company Law, have to produce balance sheets, there will be some material, though no doubt of an inadequate kind, for the Federal Government to make its assessment. No doubt they will proceed by the method, when inadequate statistics are forthcoming, of propounding an assessment and leaving it to the State to produce information to justify a reduction.

[16TH DECEMBER, 1933.]

RECORD C1 (*continued*)

V.—Memorandum by the Secretary of State for India [2nd August, 1934] on the Federal Legislature

I should like to set out shortly the reasons for which I found myself able to agree with the plan for the election of British Indian members of the Federal Lower House contained in the Lord Chairman's Report, in the hope that those of my colleagues who still have doubts upon particular aspects of the plan may nevertheless, like myself, be prepared to accept it as a whole.

I explained my own views on the question at the various sessions of the Round Table Conference with, I hope, complete candour. As for my Government colleagues, they and I have never taken the view that the time has yet come when the *final* decisions must be taken on the constitutional and political issues involved in the question. We approach it as a question of choosing the machinery least likely, under the conditions prevailing *at present*, to give unsatisfactory results rather than of adherence to one or other of two opposing schools of political thought whether in India or in England—and there are divergent views on this subject in both countries. The arguments on both sides are set out in the draft Report. Fundamentally, the question resolves itself into one of balancing against the disadvantages of constituencies of huge area the disadvantages arising from the small quotas for election by the Provincial Legislatures. The choice is admittedly difficult.

Two considerations have weighed with me in reaching a different conclusion from the plan as proposed in the White Paper. In the first place, I feel strongly that only further experience of political forces and machinery in India will provide the material upon which can be based a final answer as to the best method of giving effect to the representative principle. This being so, I can find no answer to the arguments, elaborated in the draft Report, that the continuation at this stage of direct election would make it almost impossible to escape from this system in future. It would be likely to become more and more, rather than less, difficult with a lapse of time which is bound to be accompanied by a lowering of the franchise. The ultimate solution may be on the lines of the group system, but whatever the final solution may prove to be I am convinced that it would be easier to approach it from a system of indirect election rather than from direct.

I have come to this conclusion with the less hesitation in view of the proposals in the draft Report which will provide the Indian Legislature, in due course, with constitutional means of making its views on this subject known to Parliament.

What I have said describes my own position on this matter, but I am sure that it represents in substance the attitude of many of my Government colleagues on the Committee.

[2ND AUGUST, 1934.]

RECORD C1 (*continued*)

VI.—Letter from the Secretary of State for India to the Lord Chairman of the Joint Select Committee

1st August, 1934.

It will be within your recollection that in July, 1933, I invited some of the members of the Joint Select Committee and delegates to be so kind as to assist me in hearing representations from leading Telegus and Oriyas who were then in London on the subject of the boundaries of the proposed new Orissa Province. The Joint Select Committee had decided not to hear evidence from these gentlemen on this particular subject.

As indicated in the attached memorandum, I have come to the conclusion, with the concurrence of my colleagues of the Joint Select Committee and delegates* who were good enough to assist me in the matter, that there should be added to the proposed new Province as defined in the White Paper (*a*) that portion of the Jeypore Estate which was recommended by the Orissa Committee of 1932 for inclusion in Orissa; (*b*) the Parlakimedi and Jalantra Maliahs; (*c*) a small portion of the Parlakimedi Estate (including Parlakimedi Town).

As the conclusions reached involve amendment of a Proposal mentioned in the White Paper, though on a point which involves administrative rather than constitutional issues, I think it right to report the conclusions to you for circulation to the Committee and publication in its records if you see no objecton.

MEMORANDUM.

Orissa Boundaries.

The Secretary of State for India, assisted by the marginally noted members of the Joint Select Committee and Indian Delegation, received representations on the subject of the boundaries of the proposed province of Orissa from Oriya representatives on 3rd July, 1933, and from Telegu representatives on 10th July. Each set of representatives was given an opportunity of commenting in writing on the documents submitted, and on the evidence tendered by the other. Sir Samuel O'Donnell, Chairman of the Orissa Committee (1932) was also consulted on 6th November and views expressed by the Madras Government and the Government of India were also taken into consideration.

Lord Zetland
Lord Derby
Lord Lothian
Major Attlee
Mr. R. A. Butler
†Sir Phiroze Sethna
†Sir N. N. Sircar
†Mr. Zafrulla Khan

The main points to which attention was devoted were the following:—

(*a*) Should the town of Berhampur be included in Orissa?

(*b*) Should the whole or any part of the Parlakimedi estate be included in Orissa?

(*c*) Should the Jeypore estate‡ be included in Orissa?

(*d*) Should territory be included in Orissa to make it possible to establish a summer headquarters of Government at Mahendragiri.

---

* The delegates had returned to India before conclusions were reached regarding the Parlakimedi Estate.

† Sir N. Sircar attended the July, 1933, meetings but had left for India before any conclusions were reached. Sir P. Sethna and Mr. Zafrulla Khan had left before conclusions were reached regarding the Parlakimedi Estate.

‡ Used in this memorandum as synonymous with that part of the Vizagapatam Agency Tract which the Orissa Committee proposed to transfer to Orissa.

LETTER FROM THE SECRETARY OF STATE FOR INDIA TO THE LORD CHAIRMAN OF THE JOINT SELECT COMMITTEE.

The conclusions reached are as follows:—

(*a*) The population of the town of Berhampur is approximately equally divided between Oriyas and Telegus. There appears to be no doubt of the correctness of the Telegu contention that, judged solely by financial and economic tests, their interests predominate over those of Oriyas in the Town. Nevertheless it seems impossible, on these grounds, to deny to the new province the only town which could form a suitable headquarters for its south-eastern area. The suggestion made by the Telegu representatives, that Chatrapur might suffice for such headquarters, was examined, but the conclusion reached is that it would be inadequate.

(*b*) The majority of the population of Parlakimedi estate is admittedly Telegu. On the other hand, the Zamindar, the Raja of Parlakimedi, who is a leading Oriya pressed strongly that his estate should be included in the new province. In view of the objection to transferring to Orissa the whole estate, with a predominantly Telegu population, the Raja submitted a proposal* that his estate should be divided between the two Provinces. The portion to be transferred to Orissa would include about 30 per cent. of the population of the whole estate and would comprise the town of Parlakimedi (in which the numbers of Telegus and Oriyas are approximately equal). The boundary may be roughly defined as follows. A line just to the south of the Gunupur-Parlakimedi Railway from the point where the Railway enters the estate at its north-west corner to the point where the Railway crosses the Mahendratanaya River, and from there a somewhat irregular line, whose general trend is east by north, to the north-eastern corner of the estate.

In this area (together with that of the Parlakimedi Maliahs lying to the north of it) Oriyas would slightly predominate over Telegus so far as mother-tongue is concerned and to a larger extent so far as race is concerned (though the race figures are somewhat conjectural). The transfer of this limited area to Orissa seemed to be a suitable solution of a difficult problem, and is accordingly recommended. The exact boundary would require delimitation.

(*c*) Considerations for and against the inclusion of Jeypore estate in Orissa are set out in paragraphs 71 and 72 of the report of the Orissa Committee. The balance of advantage appears to lie in transferring this area to Orissa.

(*d*) On examination it proved that the prospect of establishing a satisfactory summer seat of Government at Mahendragiri, even assuming this to be desirable policy, is so remote that it would be unwise to make a special adjustment of the boundary for this purpose.

* Another, and earlier, proposal of the Raja for dividing the estate would have transferred to Orissa an area in which Telegus would undoubtedly have predominated. This earlier proposal was not accepted.

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RECORD CONTAINING PAPERS LAID BEFORE THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM BY THE SECRETARY OF STATE FOR INDIA

[SESSION 1933–34]

Die Mercurii, 21° *Novembris*, 1934

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JOINT COMMITTEE
ON INDIAN CONSTITUTIONAL REFORM

[SESSION 1933-34]

RECORD

CONTAINING

MEMORANDA

submitted to the Joint Committee on

INDIAN CONSTITUTIONAL REFORM

BY MEMBERS OF THE COMMITTEE

Die Mercurii, 21° *Novembris*, 1934

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RECORD C2

Joint Committee on Indian Constitutional Reform

Papers handed in by Members of the Committee

I.—Memorandum by The Earl of Derby, The Marquess of Zetland and Sir Austen Chamberlain on Direct versus Indirect Election

[5TH MARCH, 1934.]

In bringing the question of indirect versus direct election before the Committee on Monday and Tuesday last, we thought that the Committee would desire that that issue should be presented in its simplest form, unencumbered by the other questions which are nevertheless closely associated with it. The discussion, however, convinced us that many of our colleagues found it difficult to decide this issue without knowing how the Upper Chamber was to be constituted if the method proposed in the White Paper for the election of the Upper House were adopted for the Lower. We therefore, venture to submit for the consideration of our colleagues a plan for the constitution of both Chambers on the assumption that the method of indirect election is adopted for the Lower.

Our proposal is that the majority of the seats allotted to British India in the Lower House of the Federal Legislature should be filled in the manner proposed in the White Paper for filling the majority of the seats in the Federal Council of State; that is by the single transferable vote exercised by the members of the Provincial Legislatures. It appears from paragraph 18 of the introduction to the White Paper that, so far as the major communities are concerned, this system is expected to give a very fair communal representation, though it may be necessary to provide non-provincial communal seats for the smaller communities (Europeans, Anglo-Indians and Indian Christians) whose representatives in the Provincial Legislatures would be insufficiently numerous to provide the necessary quota to secure representation in a Federal Legislature elected under this system.

If the Lower House of the Federal Legislature were elected in this way, it would be necessary to devise some other means of forming the Council of State, and after considering various alternatives we have come to the conclusion that the Second Chamber should be composed of representatives nominated in their proper proportions by the provincial Governments and by the Princes. We suggest that the nominations should be for a term of nine years, one third of those chosen retiring every three years. It might be desirable, in order to secure the adequate representation of minorities, that the appointment of, say, one third of the representatives sent from each province should be reserved to the Governor acting in his discretion. In the case of the first Council of State formed under this system, it would be necessary to provide that one third of the members should vacate their seats at the end of the first three years of its life, and another third at the end of the first six years.

The scheme which we have roughly outlined has in its favour three positive advantages:—

(1) It avoids repeating in every stage of the constitution the system of communal electorates.

(2) It would enable the size of both Houses of the Federal Legislature to be kept down to a limit which would not be practicable if direct election were used for either House.

(3) It conforms to the advice of the Statutory Commission and avoids the vices of direct election in such vast areas with such imperfect communications as exist in India.

RECORD C2 (*continued*)

II.—Memoranda by The Lord Rankeillour

A.—On the Relations of the Two Houses of the Federal Legislature in regard to Supply.

[8th March, 1934.]

The idea put forward in 48 of the Government proposals that the Council of State should be empowered, even provisionally, to restore grants struck out by the Legislative Assembly is completely foreign to our Constitutional notions as to the functions of an Upper House. If, however, the Government consider it justified by the peculiar circumstances of India, I have certainly no objection to make. I think, however, it carries with it the irresistible corollary that the Council of State should have the converse power of provisionally striking out or reducing grants passed by the Legislative Assembly. Otherwise the position would arise that the Council of State could do nothing in the direction of economy except at the price of creating a deficit which they could not fill up. Personally indeed I should favour the power being given to the Council of State provisionally to reject or reduce grants, even though the power of restoring them were withheld.

At the same time I am impressed by the argument that formidable delays might occur in the voting of Supply if Estimates were capable of being bandied about between the two Houses. I submit, however, that the expedient of laying of Estimates before a Joint Session in the first instance would be a remedy worse than the disease. The mere physical difficulties of having three large halls constantly available for legislative proceedings are considerable, and the whole object of a Revising Chamber would be defeated if members of both Houses were promiscuously engaged in the first instance in considering the proposals of the Government. The progress, moreover, of other urgent business would necessarily suffer.

I cannot but think that the difficulties now experienced in obtaining Supply may be due to some degree to Votes on Account not being taken, and I cannot see why the practice which prevails here should not be adopted in India.

Further, it has occurred to me that in cases of disagreement it might be possible to reduce the issues and shorten discussion by the old English constitutional expedient of a free Conference between the Houses. Each House would nominate a limited number of managers to present their case on a disagreement to the other. In so far as the Conference came to an agreement on certain points it would merely be necessary to put the one question in each Chamber that the decision of the Conference be approved. If, however, the Conference came to no complete result, it might at least narrow the issues if in the end it was necessary for a full Joint Session to take place. For the purposes of such a Session it might be provided by rules that each point in dispute should be put and decided after a statement by one of the managers for each House, and such statement might be limited, say, to half an hour.

I make these suggestions with diffidence because the expedient of free Conferences has not been used for nearly a hundred years, but it does seem possible that it might be useful under the new conditions now contemplated.

As to Appropriation Bills, their use in our Constitution is not merely to ensure the greatest possible opportunity for discussing "grievance before Supply," but to give the Treasury powers of borrowing and of what is known as "virement" which are both essential parts of our financial

system. I think that if Appropriation Bills are not to be adopted in India a permanent provision will be necessary both to allow and to limit " virement," and I also think that borrowing powers during the financial year must be allowed by the Constitution Act both to the Indian Treasury and to the Governor-General at his discretion. The need of the latter provision has already been insisted upon in discussion.

8TH MARCH, 1934.

RECORD C2 *(continued)*

B.—ON THE COURTS IN INDIA.

[20TH MARCH, 1934.]

The functions of the Indian Courts, both as they now exist and as set forth in the Government proposals, and the powers of the new legislative bodies with regard to them, are somewhat complicated, and it would be impossible to deal with all the points that arise in any memorandum of a reasonable length.

The position is set out in Volume 3, Record III, published by order of the Select Committee, to which I would refer anyone who wishes to go in detail into the matter. I think, for the purposes of this paper, it is better to begin with Appendix VI of the Government proposals, which sets out the lists of subjects with which the Federal and Provincial Legislatures can deal. Item 63 of list one gives the Federal Legislature power to deal with the " jurisdiction powers and authority " of all Courts in British India from the High Court downwards with regard to Federal subjects. The result of this provision seems to be that the new Federal Legislature could take away the jurisdiction and powers of the High Court and distribute them among the lower Courts as regards all Federal subjects, and can equally forbid or restrict appeals as regards those subjects to the High Court from the lower Courts.

On turning to the Provincial list, Item 28 gives the Provincial Legislature general powers over the administration of justice, including the " constitution and organisation " of all the Courts in the province below the High Court. It would appear from this that the Legislature could pass what it chose concerning the qualifications for the magistracy and apparently also the grouping and subordination of different classes of magistrates and re-constitute the system of the officers and attendants about the lower Courts. By Item 29 they could add to or deduct from the competence of the Rent and Revenue Courts, and by Item 30, they could—as regards provincial subjects—add to or take from the competence and powers of all Courts up to and including the High Court, and confer these powers elsewhere.

Turning to List 3, both the Federal and the Provincial Legislature could likewise alter the competence and powers of all Courts up to the High Court with regard to what are known as the " Concurrent " subjects.

I submit that these proposals are open to serious risk of the Courts suffering from political influence and that it is necessary to put the High Courts on a permanent basis of authority, unalterable by at any rate the Provincial Legislature. This should be done in reference, not only to their competence to hear and decide cases, but with regard to their powers over the lower Courts. In this connection I would invite particular attention to Paragraphs 12 and 13 of Record 3 which I have cited above and in which allusion is made to an anxiety widely felt. It is perfectly true that the present control of the High Courts rests largely upon convention and that

the provincial authorities have at present powers of interference, but the danger herein latent would be aggravated by the changes in Provincial Government. I suggest that the Convention should be translated into legislation if the prestige of the Courts, in the eyes of litigants, is to remain unimpaired. This legislation should comprise all provinces even where the Convention is not in force and even when the Provincial Legislature has already laid down rules as to communal representation on the Bench, as seems to be the case in the Punjab.

A difficult question arises when it is necessary to set up a special Tribunal to deal, for example, with terrorism, and where it is desirable that the sanction of the Provincial Legislature should be obtained to the innovation. I suggest that this should be done only with the previous leave of the Governor on the instructions of the Governor-General. I have been informed that a special Court set up in Bengal was, in fact, instituted on the motion of the Central Government, and that this might serve as a precedent, but I do not say this of my own knowledge.

As regards the powers of the Federal Legislature over the High Courts, I suggest that any change should require the previous consent of the Governor-General and that any Act of the Legislature in this regard should lie on the table of both Houses of Parliament with opportunity for a "prayer" to be moved against it.

With regard to the *constitution* of the High Courts, the Government proposals appear to safeguard it from undue influence, but I think, even here, it would be well to insert words that the recommendation for appointment by the Secretary of State should come from the *Governors* and not from the *Governments* in India.

With regard to appeals to the Privy Council, no doubt the rights in this matter possessed by Indian litigants have often been abused. On the other hand, there is evidence to show that justice is not always secure if the High Court be the final Court of Appeal. I submit that the right to appeal should not be curtailed, at any rate in cases where it is made contingent on "special leave". I would add that it is not clear in all cases how the judgments of the Federal, or if there be one, the Supreme Court, are always to be executed in the Provinces. This, however, is only one instance of the difficulty of enforcing Federal decisions and would, perhaps, have to be considered in connection with the general relations of the Federal Authorities and the Provincial Executive.

The object of these criticisms is to secure that, so far as humanly possible, the prestige of the High Court shall not diminish, that the administration of justice shall not vary from Province to Province, but shall be of a uniformly high standard throughout India, and that the tradition of British impartiality shall survive the inevitable changes which provincial autonomy would bring about.

20TH MARCH, 1934.

RECORD C2 (*continued*)

C.—ON SPECIAL POWERS REQUIRED IN RELATION TO DEFENCE.

[11TH OCTOBER, 1934.]

I feel bound, even at this stage, to draw attention again to the real difficulty created by paragraph 96 of the Report. This paragraph if translated into a Section of the Constitution Act would *confer* upon the Governor "a special power over and above his special responsibility" and *empower* him to assume charge of any branch of the Government under

certain conditions. On the principle " inclusio unius est exclusio alterius " I submit that this provision would have to be interpreted as preventing him from assuming such charge unless these conditions were present. But the Committee have been repeatedly assured that the Governor in the discharge of his special responsibility can do anything that a Minister does, which must mean that he can administer a branch himself. I cannot see how these two positions are reconcilable.

This inconsistency, if I am right, may cause embarrassment in various directions but particularly in that of Defence. Paragraph 172 of the Report would enable the Governor-General to issue directions to the Provincial Government if the frontier was in danger, but would not enable either him or the Governor to assume charge of any branch of Government. But discussion has shown that there may be delay, lukewarmness or recalcitrance in carrying out such directions and meanwhile vital interests may suffer. It is true that the Governor-General and the Governor would not be in the helpless constitutional position of Lord Milner in 1899, but they will not have the immediate " Dora " powers which it may be vitally necessary for them to possess.

11TH OCTOBER, 1934.

RECORD C2 (*continued*)

III.—Memorandum by The Earl of Derby and Sir Joseph Nall

[14TH MARCH, 1934.]

1. We have been asked to furnish some form of words dealing with commercial discriminations, which might be used as a basis for consideration and discussion with the aim, eventually, of placing a suggestion in the hands of the Joint Select Committee.

2. We have prepared a draft formula, but we do not think the merits or demerits of our suggestion can be adequately examined and weighed without some accompanying explanation, which it is the object of this memorandum to afford.

3. We approach the problem from the point of view of United Kingdom trade generally, and not merely from that of the Lancashire cotton industry, although our knowledge of the issues involved arises almost exclusively from our contact with the cotton trade. Our formula, however, is a " U.K. trade " formula, and not a cotton one. In our view provisions in a constitution can only be concerned with general principles and never with their particular application. Furthermore, past history, both distant and recent, makes it in the highest degree inexpedient from a political point of view that, in an Act embodying a new constitution for India, there should be any mention by name of the British cotton trade.

4. There are two other great British interests which properly arise in any consideration of the possible dangers from Indian discrimination. One is that of British Shipping: the other is that of British Capital.

British Shipping has, of course, a profound, if indirect interest in trade in goods of U.K. origin, and in that connection may well be consulted on the trade aspects of the problem of discrimination. It has also direct interests which are peculiarly its own, particularly in such matters as the prevention of flag discrimination. British owners of capital which is already or may be invested in enterprises within India have obvious interests in the problem.

It is of great importance to observe, however, that whereas British Shipping and British Capital must be protected from discrimination in a wide field of potential legislative and administrative activity—indeed, an almost unlimited field, embracing company law, factory legislation, internal taxation, subsidies, and so on throughout the whole range of a Government's internal economic policy—British trade, on the other hand, is only affected by tariffs or other regulations applied by imports.

5. Although one field is thus a broad one and the other quite a restricted one, it nevertheless seems to us that by reason of a combination of legal and political reasons, the broad field is far easier to deal with than the narrow. In the first place, the principles of the prevention of or protection against legislative or administrative discrimination of persons or their property within the frontiers of any country, are the subject of innumerable precedents, in our relations with foreign and Empire countries. The existence of such precedents removes any political or psychological difficulty in inserting suitable provisions in the Indian Constitution. H.M. Government showed itself willing in principle to deal with this matter when it inserted Paragraphs 122-124 in the White Paper. But the paragraphs are

not as comprehensive as they might well be, and the reservations in 124 seem to whittle down somewhat a principle which could be stated without reservation. It would appear to be a case where expert lawyers could readily offer a re-draft, and we do not regard it as in any way part of our problem. We should like, however, to say that we consider the simplest and most direct form of words should be ultimately adopted for the reason that any attempt to specify details raises the danger of the unspecified contingency arising.

6. When you turn to the prevention of discrimination against British Trade, you face a problem of quite a different order. It raises acutely the vexed political question of Tariff Autonomy, and it involves considerations of revenue as well as of fiscal policy.

The Lancashire cotton industry has been the particular U.K. interest round which this issue has revolved. It has recently succeeded (one hopes permanently) in placating Indian susceptibilities, and no sensible person would wish to waken sleeping dogs by unnecessarily provocative action on this question of discriminatory tariff action.

Nevertheless, something quite definite and explicit must be inserted in the Act, because the absence of a safeguard would be a grave neglect of Britain's most vital interest.

7. The attitude of the Indian Delegates when the Lancashire Cotton Evidence was taken by the Joint Select Committee on 3rd November showed that they had no particular hostility to certain over-riding powers being exercised by the Governor-General to prevent discrimination. It may subsequently be of the utmost help to be able to describe our suggestions as conforming with the general trend of Indian comment on that occasion.

In any event, the obviously best plan in all the circumstances is not to raise old troubles by talking of Tariff Autonomy, but to seek a definition which will confer on the Governor-General—always the servant of the British Crown—the power to protect and preserve British interests.

8. It is presumably expedient to make what we want an addition to something already in the White Paper. Section 18 of " The Proposals " seems to be the proper place at which to introduce an amendment. We attach a proposed new wording of sub-paragraph (*e*) with which Section 18 ends. (See *annexure*.)

9. The suggested provisions regarding Tariffs are, it is submitted, nothing more than principles of equity which can properly be enshrined in an Act regulating the relations of the two countries at the moment when one is handing over fresh powers to the other, and in the degree to which Indian opinion will doubtless assent to the safeguards against discrimination, they partake more of the character of agreed principles such as two completely independent parties normally insert in a Treaty.

10. The principal objection will no doubt be that our draft is unduly lengthy, thus calling special and undesirable attention to the matter.

To that we can only reply that in this case, unlike that referred to at the end of our paragraph 5 above, specific mention of the contingencies to be provided against (involving a lengthy draft) was unavoidable for the reason that such short phrases as " discriminatory tariffs ", and so forth have no absolute meaning, but are only relative and would therefore be entirely useless. This difficulty arises partly from the fact that the particular problem we are dealing with is entirely without precedent in international or inter-imperial relations.

MEMORANDUM BY THE EARL OF DERBY AND SIR JOSEPH NALL

ANNEXURE.

DRAFT OF REVISED PARAGRAPH 18 (*e*).

(*e*) The prevention of commercial discrimination as between subjects or residents of different parts of the British Empire generally, including *inter alia* the following:—

(i) discrimination in legislative or administrative measures affecting commerce or industry within India or shipping at or in Indian ports.

(ii) discrimination against U.K. products as compared with those of other countries by tariffs or other measures to regulate imports whether directly by differential rates of duty, according to origin, or indirectly by differential treatment of various types of product.

(iii) discrimination against U.K. interests as compared with Indian interests by the establishment on goods of U.K. origin of levels of import duty or other restraints of a prohibitory or penal character in excess of the proved and equitable requirements of the economic situation in India.

(iv) discrimination such as would arise by action in violation of any agreement subsisting at the time between the Governments of India and Great Britain as regards the rates of tariff and margins of preference applicable to U.K. goods whether in general or in particular cases.

14TH MARCH, 1934.

RECORD C2 (*continued*)

IV.—Memorandum by Mr. C. R. Attlee on Responsibility at the Centre

[15TH MARCH, 1934.]

I. In submitting these suggestions to my colleagues I realise that they are only suggestions which will require working out. I am conscious of many objections, but I submit that many of them will be found to apply as much if not more to the scheme proposed in the White Paper.

II. I will set out briefly the reasons on which I base my suggestions. Indian politicians are for the most part convinced that the system of Government obtaining in this country, whereby a Cabinet dependent from day to day on the vote of the legislature is the only system of responsible government, or at least that it would be derogatory for Indians to accept anything different from what for the purposes of this note I will call the Westminster system.

III. Under the provisions of the White Paper we are in effect giving in the provincial sphere some dozen opportunities for Indian politicians to try by experiment how far this system or an adaptation of it is possible in an Oriental environment. The assumption of the White Paper is that it is desirable also to make the same experiment at the Centre. While I accept the necessity of providing for responsibility at the Centre, I am not persuaded that it is either possible or desirable to follow the Westminster model.

IV. I will briefly state my reasons:

(1) The immense population of India and the consequent difficulties of that effective connection between elector and elected which is of the essence of the Westminster system.

(2) The subject matter of Central administration and legislation is too narrow to provide the basis for it. The Westminster system is designed for a unitary not a federal State. The subject matter of Parliament embraces almost all the political interests of the people. In India 90 per cent. of the interests of the ordinary man are dealt with in the provincial sphere.

(3) The essence of the Westminster system is its flexibility which has allowed of its adaptation to new problems and the needs of new political classes. This quality is lost as soon as rigidities are introduced into its structure. The Committee has in fact been endeavouring to reduce, to a written form, and thus make rigid, the flexible rules and conventions which have been moulded to suit the occasion in this country. It is, in addition, hard to incorporate a mass of safeguards without the same effect.

(4) The working of the Westminster system depends on stable divisions on party lines. (A multiplicity of parties or groups makes its working difficult. It functions best when there are only two.) It depends also on a homogeneous ministry. Neither of these conditions is likely to be found in India.

(5) The division between elected representatives and State delegates is crossed by communal and economic cleavages. A barren and undesirable anti-British nationalism is the only basis which might bring these divergent elements together.

(6) The constituent elements of a Ministry are bound to be heterogeneous. Indeed, this is contemplated. Experience in the provinces has shown that while individual ministers may have a following, ministries as a whole rarely have support as a team from a majority. Indeed, followers are apt to cease to follow a leader when he becomes a minister.

(7) Owing to the nature of the federation the members of the legislature will not be equally concerned in the territory of the federation. The discussions with Indians have shown the difficulty of ensuring that the will of British India shall prevail in purely British Indian matters under the Westminster system. I do not think that under the British system of responsible government an "in and out' provision is practicable.

(8) The danger of a large number of members with very little to do is not unknown at Westminster, and would seem to be inevitable at Delhi under the White Paper proposals.

V. For these reasons I think that the model should be rejected. I do not think, however, that an exact precedent can be found elsewhere. The German Reich of pre-war days shows the federation of units with differing internal constitution. The U.S.A. gives an example of a great federal State. In India, however, there is lacking the king post of those structures, i.e., an executive deriving its mandate separately from the legislature, in one case the Kaiser, in the other the President. Switzerland, despite its small size, is a federation and gives an example of an executive composed of persons of various political views responsible to and chosen by a legislature. I think that it is possible to combine certain features from the latter two countries.

Requisites at the Centre.

VI.—(1) A stable executive. (This is very difficult to obtain under a group system, vide France.)

(2) A constitution which will teach responsibility not irresponsibility to the members of the legislature.

(3) A real connection between the Centre and the Provinces. (It will be dangerous if the only link is through the autrocratic element, the Governors and Governor-General.)

(4) A strong Government, i.e., one which has behind it the force of public opinion.

(5) A constitution which has within itself possibilities of development and sufficient flexibility to allow experience to correct undesirable and unexpected results. The less detail embodied in what is confessedly an experiment the better.

The Essence of the Plan.

VII. The main idea is to place responsibility on the members of the legislature. (Without discussing the pros and cons of electoral systems I would state that one reason for my advocacy of indirect election by provincial councils is that I conceive the Central Legislature as composed of representatives of federal units not of blocks of population.) In other words, the elected representatives shall have power to alter policy without altering the personnel of the administration.

VIII. In the Westminster system as practised at present, the executive is in fact through the operation of the Party system the master not servant of the legislature. The Cabinet though formally selected by the Crown is really composed of the leading members of the Party in a majority. Its maintenance in power is due to the discipline of the Party machine, backed by the power of dissolution. This fact is obscured in the minds of most Indians through their addiction to the reading of theoretical constitutional text books.

IX. I suggest for the reasons given above that a stable ministry with a regular body of supporters in the legislature is unlikely under Indian conditions. Therefore, I desire to make the members responsible.

MEMORANDUM OF MR. C. R. ATTLEE.

The plan suggested.

X. When the legislature has been properly constituted of the members from the States and Provinces, the Governor-General will consult with leading members in order to find out what combination of persons would be likely to command the confidence of the legislature. (This might be a matter of some difficulty. He would be much in the same position as a French President.) He would, no doubt, have to include State as well as provincial members, Moslems as well as Hindus.

XI. Having decided on his Ministry and on the members who are to have charge of the reserved departments, he would submit the Ministry as a whole to the legislature for a vote of confidence.

XII. I do not think that it is necessary to specify that this majority should be any particular fraction. The Governor-General would have in practice to satisfy himself that it was adequate. This vote would signify the acceptance by the legislature of the Ministry, and thereafter the Ministry should remain in office for a definite term, say, one or two years, during which period it could only be removed by a definite vote of No Confidence carried by a two-thirds or other fractional majority as decided. Thenceforward the Ministry would be more in the position of the Swiss Executive than of the British Cabinet. It would be a body composed of heterogeneous elements, but would be subject to the very powerful influences which tend to bring solidarity to a body of men in positions of responsibility. Formal joint responsibility would not be explicitly laid down, as indeed it is not in most constitutions, but the acts of the Government would be the acts of all. This system actually obtains in the Provinces to-day. The Ministry would not deem it necessary to resign on every adverse vote, nor would the individual minister, unless he deemed the matter of vital importance or as a censure on his character not his policy, the Minister would accept the verdict of the legislature.

XIII. The legislature would have to take responsibility for its actions. I assume that in the early stages of the new constitution the Governor-General will preside at meetings of his Cabinet and that only at a much later stage will this practice fall into desuetude. There should, however, be a first minister who would preside in the absence of the Governor-General, and lead in the legislature. He should hold a portfolio without too heavy an administrative content.

XIV. For the working of the legislative machine I suggest the setting up of a number of standing committees, some of which should be statutory. These committees should correspond with the functions of the Central Government. At their meetings the Minister should preside or, in the case of reserved subjects, the Official Member. It is in my view undesirable to have the duality which obtains in some constitutions between the Minister and the Chairman or rapporteur of the Committee. The Committees should sit with permanent officials in attendance. The Minister would have to get approval for his estimates from the Committee. The object of the system is to bring the members of the legislature into actual contact with administrative problems. The sittings of the Committees would to a large extent take the place of our "Supply Days". I think the control over administration would be more effective than under our system. The ventilation of important questions which should be discussed on the floor should be provided for by time being given for their discussion without formal votes of censure. The procedure being more like that of "the demand for papers" in the House of Lords procedure.

XV. I think that the Committee stages of Bills should wherever possible be remitted to the appropriate functional committee which should have attained a certain familiarity with the subject although other members might

be added for particular bills. Second and third reading would, of course, be taken in the full sitting of the legislature. The Report Stage should be confined to Government amendments. The difficulty of dealing with bills relating only to British India could be met by remitting them to committees composed only of British Indian representatives or by restricting the right of vote to them. It might well be done by convention. The objection to "in and out" arrangements does not apply where "confidence" is not involved in every vote.

XVI. Reserved subjects such as Defence would equally have their committees wherein members would have the right to obtain information, criticise and make suggestions, but the powers of the members to vote would be restricted. Thus an informed opinion on Defence matters should be created. The same would apply to foreign policy excluding, of course, the relationship of the Governor-General and the States. I should myself prefer to see foreign policy a transferred subject. There should be a Budget Committee to which, after debate in the Legislature, the Budget should be remitted for examination in detail. A defeat on a proposal in the Budget would not necessarily lead to the resignation of the Ministry. If a tax should be rejected, it would be the duty of the Committee to find an alternative or suggest appropriate economies. The legislature itself should be made to feel its responsibility in its demands for expenditure and its provision for raising money.

XVII. It will be realised that in the background are the special powers and responsibilities of the Governor General which should, however, as far as consistent with safety not be used to allow the Legislature to escape its responsibilities.

XVIII. I apprehend that most legislation at the Centre would be introduced as private members' bills. It does not appear to me that a Ministry inevitably heterogeneous is likely to produce an extensive legislative programme, especially in view of the fact that so large a part of the legislative field is either in the provincial sphere or can only be made effective by provincial action.

XIX. In making these suggestions I have gone into some detail in considering the working of the machine in order to give my colleagues a picture of what is intended. It will be observed that the actual provisions which it would be necessary to insert in a bill are few, although some additions might have to be made to the Governor General's instructions. Most of the results claimed by me arise from the simple provision as to the selection and continuation of the Ministry. On the other hand, a great many detailed provisions which have been under discussion would be omitted.

XX. The system proposed is not fool proof. Given factious opposition it would break down, but I claim that the methods outlined above will tend to discount factious opposition.

I consider that the scheme gives possibilities of development, being free from rigidity.

In my view, though it is not an essential, a single chamber is more suitable for this kind of constitution.

I also think that the need for a close liaison with the provincial governments, especially in the matter of finance, makes indirect election by the provincial councils more suitable than direct election. The existence of the councils as electoral colleges in permanent existence should be a check on irresponsibility.

In conclusion I would apologise to the Committee for the roughness of this Note, but my available time is very scanty, and I wished to place the idea as early as possible before the Committee.

15TH MARCH, 1934.

RECORD C2 (*continued*)

V.—Memorandum by The Lord Hardinge of Penshurst on the Anglo Indian Community

[17TH APRIL, 1934.]

The future position in India of the Anglo-Indian and Domiciled European Community under a reformed constitution is one that requires serious attention. Sir H. Gidney, in giving evidence, placed his views before the Joint Committee but no decision has so far been taken as to the requisite steps for the protection of this small but important minority beyond its treatment as one of the minorities provided for in the White Paper.

Nobody will dispute the responsibility in the past and the present of the British Nation for the existence of this Community and the very exceptional services rendered by Members of this Community in times of danger and stress during the past 100 years. It is hardly necessary to recall the names of Skinner, Hearsey, Rivett-Carnac, and others to remind the Committee of the loyalty of Anglo-Indians and the heroic part they played during the Mutiny. This loyalty they have always displayed, and during the Great War almost 80 per cent. of the male adult members of the Community were engaged in every theatre of the War, while many of the remainder served in the Indian Defence Force to maintain order in India in the absence of British and Indian troops. It is not out of place to recall the fact that Lieut. Robinson, V.C., who brought down the first German Zeppelin in England, and Lieut. Warneford, V.C., who brought down a German Zeppelin in France, were both members of the Domiciled Community.

Even since the War, during the riots of 1919 in the Punjab, when disloyal Indian telegraphists cut telegraph wires and mutilated official messages, the Governor had to fall back upon Anglo-Indians to replace them.

The Community is a small one, numbering about 200,000 and its chief avenues of employment in the past have been in the Railways, Telegraph and Customs Services. It is they who have built up and worked these services during many past decades, and who consequently deserve consideration from the Government of India, but who now, in order to satisfy the political demands of the more powerful communities, are being slowly but surely sacrificed on the altar of political expediency.

The special position of the Community was recognised in the Montagu-Chelmsford report, in the report of the Statutory Commission, in the Government of India Despatch of September, 1930, and at the First Round Table Conference, and in all these reports emphasis was laid on the obligation of the Government towards the Community and the necessity for special consideration being given to their claims for employment in the Services. Nevertheless, owing to Indianisation and to retrenchment, the situation of Anglo-Indians has of late years been steadily growing more serious and the percentage of posts held by them in the Railways, Telegraphs and Customs, has been gradually diminishing. In order to arrest this the only course would be to prevent for a certain number of years the substitution of Indians for Anglo-Indians and to reserve a fixed number of appointments in those services for members of the Anglo-Indian Community. There appears to be no valid reason why this course should not be pursued as part of the system of Defence which comes under the Viceroy's responsibility, since it is hardly necessary to stress the vital importance of maintaining an adequate number of loyal employees on the staffs of the Indian Railways and Telegraphs for the transport of troops during an outbreak of War on the Frontier or during civil disturbance.

MEMORANDUM BY THE LORD HARDINGE OF PENSHURST.

As an illustration of the dangers resulting from Indianisation I am informed that on the North-Western Railway of India, which is a strategic railway traversing the whole of the Northern frontier, the personnel is being rapidly Indianised, and that now out of a total Railway Telegraph cadre of about 1,000 employees the Anglo-Indians hold only 0·5 per cent. of these appointments. The danger of such a situation can hardly be exaggerated since, however loyal the Railway Staff might be, a disloyal Telegraph Staff could disorganise military traffic within a few hours. This would mean a repetition of the situation in 1919.

Nor is it less important that amongst the employees of the Customs service there should be a strong and loyal Anglo-Indian element to check the smuggling of arms and ammunition into India at the Ports. Only recently the Government of Bengal has passed a "Smuggling of Arms Bill of 1934" to prevent the entry of arms and ammunition through the ports of Calcutta and Chittagong, which eventually found their way through recognised brokers into the hands of terrorists. This, however, will not prevent the entry of arms and ammunition at other Indian ports which has been rendered much more easy by the gradual Indianisation of the Customs Service.

It is very obvious that safeguards should be imposed in the new Constitution for the protection of the Anglo-Indian Staff which has always proved its loyalty in the three security Departments, Railways, Telegraphs and Customs, the two former in connection with the defence of India and the latter for the protection of civil officials from assassination.

To preserve the economic future of the Community the following clause is suggested for incorporation in the new Constitution Act:—

> "That as long as appointments are made on communal representation, adequate weightage, with due consideration to their present numbers, be given to the Anglo-Indian and Domiciled European Community regarding its future employment in all Government Services and that instructions be given to the Governor-General, Governors and Public Service Commissions to put this into effect."

Unless such a safeguard is inserted in the new Act the fate of the Community is doomed, and India's gain will be their destruction.

It will not be out of place to record here the assurance given by H.R.H. the Prince of Wales to an Anglo-Indian Deputation when he visited India in 1922:—

> "You may be confident that Great Britain and the Empire will not forget your community, who are so united in their devotion to the King Emperor and who gave such unmistakable tokens of their attachment to their Empire by their sacrifice in the War."

Again, in the Government of India's despatch of September, 1930, under the heading of "The Anglo-Indian Community" the following sentence occurs:—

> "A special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian Community are protected."

Surely, in its own interests, Parliament will not repeat the error made in Ireland in regard to the Irish Loyalists of the South!

17TH APRIL, 1934.

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C2

RECORD CONTAINING MEMORANDA SUBMITTED TO THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM BY MEMBERS OF THE COMMITTEE

[SESSION 1933–34]

Die Mercurii, 21° *Novembris*, 1934

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7866/1935

C3

JOINT COMMITTEE
ON INDIAN CONSTITUTIONAL REFORM

[SESSION 1933-34]

RECORD

CONTAINING

MEMORANDA

and record of consultations held by the Joint Committee on

INDIAN CONSTITUTIONAL REFORM

ON THE SUBJECTS OF FORESTRY AND IRRIGATION

Die Mercurii, 21° *Novembris*, 1934

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RECORD C3

The course of their discussions after the Indian Delegates had left made it necessary for the Committee to call into consultation certain persons conversant with the problems of Irrigation and Forestry. The persons so consulted submitted the memoranda reproduced in the following pages, which also contain the record of their consultation with the Committee.

I

IRRIGATION

[1st May, 1934.]

I.—Memorandum by Sir Raymond Hadow, C.I.E., A.M.Inst.C.E.

The short notice, which I have received for the preparation of a Memorandum, the absence of books of reference and the lack of precise knowledge as to the points on which information may be required, may tend to make this Memorandum vague in parts and incomplete in others. It should, therefore, be taken as a hurried attempt to set down facts drawn mostly from memory.

The White Paper proposes that the Provincial Legislatures shall have the sole power to make laws in respect of irrigation, water supplies, etc. (Proposals 111, 112 and 114; and item 11 in List II of Appendix VI); further the All-India Service of Engineers shall have no more recruits, and future recruitment will be on the basis of a Provincial Service (Proposals 183 and 190). In short, the proposal is that irrigation shall be under a Minister, completely "transferred" (as distinct from its present "reserved" status), and the staff will be in future in a Provincial service, recruited by the Provincial Government.

Recruitment to the Irrigation Services.

These proposals will affect different Provinces in different ways. There are Provinces whose interest in irrigation is comparatively small: irrigation is not a large matter either because facilities do not exist or because climatic conditions are such that it is usually not necessary. For such Provinces the proposals seem suitable, and they follow naturally from the fact that the sister Branch of the Public Works Department (the Buildings and Roads Branch) has been a "transferred" subject since the Government of India Act, 1919.

There are other Provinces, however, in which irrigation is a matter of the first importance. I shall take the example of the Punjab, the only Province of which I have intimate knowledge. In the Punjab about 12 million acres of crops are matured annually on canal water and the revenue derived therefrom represents about 40 per cent. of the provincial revenues. There are six large "canal colonies", that is to say, areas which was practically uninhabited barren waste before the construction of canals and now support millions of peasants brought in from other tracts. The Punjab Government has expressed the opinion that irrigation to the

MEMORANDUM BY SIR RAYMOND HADOW, C.I.E., A.M.Inst.C.E.

Punjab represents "security" as much as the services rendered by the Indian Civil Service and the Indian Police. It is not too much to say that the whole prosperity of the Punjab depends on the canals: they have enabled the Province to rise from camparative poverty to a sure financial basis, they have made rich men of poor peasants, they provide a living for numerous others connected with agricultural produce and they tend to promote contentment by the creation of a well-to-do peasantry.

The question arises whether it is wise to try an experiment in a matter of such vital importance both to the finances of the Province and the contentment of the people. Is, in fact, anyone justified in gambling with other people's happiness or prosperity? The position I take up is exactly that described by Sir Austen Chamberlain in the statement he made in Question 11,533, when examining the Secretary of State. I entirely agree that provincial autonomy would be a sham in the Punjab without the transfer of irrigation, but I maintain that some additional condition should be imposed such that, as far as can humanly be said, there is no risk that the peasantry will be adversely affected by the change.

In my opinion there is only one way of ensuring that the canal systems do not fall into decay and that is by maintaining a certain proportion of recruits from this country. I am in no way afraid of the position of irrigation in respect of its control by a Minister or by the Provincial Legislature, for it must be realised that, things being as they are in the Punjab, it is highly probable that the Minister and the majority of the Legislature will be users of canal water. Mistakes may be made on the financial side, but my personal experience has been that both the Legislature and the Member in charge (as he is at present) accept the advice of their technical advisers in technical matters and have a very shrewd understanding of the objects aimed at. That being so, my suggestion is to make sure (without gambling) that the technical advice shall be sound—or at least as sound as it has been in the past. Consequently I advocate the continuance of recruitment of qualified men from this country. My reasons for this are—

(*a*) The Punjabi peasant desires it. It gives him a sense of security, and, though he may not like the result, he accepts it as just. I do not for a moment insinuate that he never receives justice from an Indian but he is suspicious if it does not suit him—a feeling into which the present state of high communal tension frequently enters. I am supported in this view by the frequent appeals presented to my Member (an Indian) and myself (as head of the department) to transfer an Indian officer and send a European in his place.

(*b*) The Indian engineer seldom makes a good administrative officer. The Punjabi takes naturally to mathematics, hydraulics and engineering, as may be seen by their success at the Thomason College, Roorkee. Their interests lie, however, much more on the technical side of their work than in canal administration, where they are again hampered by communal feelings. A Hindu officer once said to me bitterly: "A Hindu can do nothing right" in a predominantly Muslim tract. I attribute this absence of administrative ability to the fact that the first places in engineering examinations are usually taken by clever youths of a class which has no tradition or training in administration. Youths with such a tradition at present go into the Army or take such low places in open examinations as not to qualify for Government service. Until the sons of landed proprietors, ex-army officers and the like look upon the engineering profession as a suitable outlet, I fear that the right stamp of recruit will not be forthcoming. The result

MEMORANDUM BY SIR RAYMOND HADOW,
C.I.E., A.M.Inst.C.E.

of this is that the Provincial Governments in their anxiety to associate Indians with the administration of the services are often led to promote to administrative rank Indians lacking in the necessary qualities: this again makes it difficult to supersede Europeans of like quality, so that the whole efficiency of the administrative ranks tends to be lowered; this is bad for the canals and cultivators, bad for the taxpayer and bad for the service.

(*c*) I believe that the Punjabi politician would really welcome such recruitment. He would, it is true, probably complain in public and in the Legislature; but so many have bewailed the paucity of Europeans to me in private or have asked that a European be posted to their particular district that I find it difficult to believe that they would not be relieved to find European recruitment continued, so that whilst their object is obtained they can still retain a grievance: they would in fact be released from an embarrassing situation.

It may be argued that there is nothing in the White Paper to prevent the recruitment of Europeans to the irrigation service. I think it is too much to expect at present such recruitment at the hands of Indian Ministers. Pressure from public opinion and the Legislature would be too much for any opinion a Minister might hold.

As to the agency of the proposed European recruitment there are three possibilities:—

(*a*) the Provincial Government or Public Services Commission;
(*b*) the High Commissioner for India;
(*c*) the Secretary of State.

I unhesitatingly throw out the first two alternatives. Recruitment from a University is largely governed by the advice given by the University authorities, and they are not likely to advise entrance to a service, the recruiting agency of which they know little or nothing. Moreover, recruitment for years past has not been easy for the Secretary of State to accomplish satisfactorily with all his powerful influence; so how could it be done by less well-known agents? I advocate that the recruitment be done by the Secretary of State on the understanding that the recruits are servants of the Government for which they are recruited for all purposes of promotion, censure, etc.; it may possibly be necessary for the Secretary of State to lay down the scale of pay and pension, which he finds necessary to effect recruitment, though this is to be avoided if possible.

I am aware that this suggestion presents an anomaly, a view which was brought out by Mr. Zafrulla Khan in Questions No. 11823-5. But surely anomalies are almost unavoidable in anything except complete self-government, and as long as an anomaly is workable, it is a better solution to a difficulty than a gamble with the prosperity of millions.

A further question which arises is the duration of the European recruitment suggested. I am not impressed with the statutory inquiry provided for after five years in Proposal 189. It is far too short a time to form any correct judgment. Canals do not break down through inefficiency in a day: I have known it take five years to bring it to light when inefficient officers were in charge. Moreover, as is commonly said in irrigation circles, it takes ten years to make an officer efficient in all branches of his duties. I would leave the Provincial Government to make its own case, when the occasion arises, to get the approval of Parliament to a change.

There remains the question of to which Provinces these proposals might be applied. I am diffident about making any suggestions for lack of knowledge of other provincial conditions, but I would judge that the arguments advanced above would apply to Sind. There must be several Provinces

which fall between the two categories I have mentioned, that is those in which irrigation is of importance but probably not so important as in the Punjab. In such cases it might be advisable to follow the advice of the Provincial Governments.

Questions affecting two Provinces.

Since the Act of 1919, the Government of India has interfered when disputes arose between Provinces or between a Province and a State regarding the right to utilise the waters of a river. The Government did this, presumably, by reason of its power to "superintendence, direction and control" of a reserved subject. With the complete transfer of irrigation and water supplies, this power will cease, and I fail to find anything in the White Paper to take its place. The absence of any umpire or controlling authority in such matters lays open many possibilities of trouble on many tributaries to the Indus and Ganges rivers. I would urge that an Irrigation Board be appointed by Statute to adjudicate in such cases. It may be argued that an appeal to the common law would meet the case, but my experience is that this could only be a costly and unsatisfactory business. In the first place, the law on riparian rights is very vague or non-existent as between States; secondly, the evidence of the contesting parties is usually a mass of contradictory statistics, on which an expert alone can judge what value should be placed and what true implication arises. I suggest that such matters are better dealt with by an independent Board, the majority of whom should be irrigation engineers. It will be remembered that a notorious case in Egypt was dealt with on those lines. Lastly, a court of law could only pronounce a verdict on the case before it, whereas a Board might suggest a *via media*, such as would not block progress. It would be necessary to get all the States to agree to accept the findings of such a Board. My proposal is practically to bring the Central Board of Irrigation on to a statutory basis.

Co-ordinating authority.

One deplorable result of the provincialisation of irrigation in the Act of 1919 has been to provincialise the science of irrigation engineering in India. It was part of the duties, self imposed probably, of the Inspector General for Irrigation in India to co-ordinate the activities of the different Provinces; during his extensive tours he saw what was being done, learnt of advances made and was able to spread knowledge. As a result of the Act, this post was done away with, and each province became practically a water-tight compartment. The engineers, however, began to get in touch again with each other unofficially, and the result of a recommendation by the Agricultural Commission was a Bureau attached to the Central Board of Irrigation, to the cost of which the Provinces contribute. This Bureau, which has assumed in the eyes of engineers far more importance than the Board, has very limited funds at its disposal but tries to co-ordinate research and disseminate information. It meets once a year only, and, as its personnel changes annually, its progress is slow; it is suggested that it would be for the good of the irrigating provinces if the post of Inspector General were revived, his pay and expenses being shared by these provinces. It may be argued that the creation of such a post is not within the scope of the White Paper; on the other hand, it is to meet the results of proposals in the White Paper that the creation of such a post is urged.

(Signed) R. P. HADOW.

II.—Notes for consultation with the Committee by Mr. (now Sir) C. T. Mullings, C.S.I.

Indians as irrigation Engineers are rapidly approaching the British in competence and they could be better still with more experienced instructors in the Engineering Colleges.

In Madras Brahmins are the best Engineers and the Public Works Department will be staffed mainly by Brahmins if efficiency dominates selection of candidates. If political necessity to distribute appointments among various castes is to be a future criterion, the choice of men in other castes connotes frequent selection of less able candidates, and the Service must deteriorate.

With a purely Indian administration nepotism may increase.

An immense revenue is derived from irrigation; and the value of crops so grown is several times as great, but supplying or withholding water is simple, and the opportunities for graft are large. Ryots much appreciate the rectitude of British engineers. Until caste distinctions diminish, the assumed bias of the Indian Engineer will be always a source of distrust and suspicion to other castes.

The Indian view of commissions from contractors and others is not as rigid as the British, though it has much improved by our tutelage.

These are the main reasons why the Irrigation Department would be improved by a leaven of British Engineers, but I anticipate no break down in administration were the British element to be eliminated by its gradual replacement or superannuation.

RECORD C3 (*continued*)

III.—Consultation between the Committee and Sir Raymond Hadow, C.I.E., A.M. Inst. C.E.

[1st May, 1934.]

1. *Chairman*: Sir Raymond Hadow, you are good enough to attend this morning for a consultation with this Committee, and you have kindly provided us with a memorandum. I think you understand the arrangements for the consultation, namely, that the Committee will decide in due course whether to publish your memorandum and whatever may be said either by Members of the Committee or by yourself this morning?—Yes, my Lord.

2. Some of my colleagues, I think, may desire to put questions to you at this stage, unless you have anything that you would like to add to this memorandum?—No, I think not.

3. *Marquess of Zetland*: I think I appreciate your apprehensions, and I admit that they are very intelligible. You regard it as essential that for some time to come there should be a substantial element of European engineers in the Irrigation Service in India. That is your main contention, I think?—I limited myself to the Punjab in my note.

4. Let us take the Punjab, because really that is the most important Province, the Punjab and Sind, from this point of view. On the other hand, you show in your note that you do appreciate the fact that if the Punjab, like other Provinces, is to be given self-government, the Government of the Punjab must exercise control over its irrigation staff. That, you admit, I think?—Yes.

5. As I understand your proposal for securing an adequate representation of European engineers in the service of the Punjab, you would lay it down that a certain number should be recruited by the Secretary of State for India in this country?—Yes.

6. I am not quite clear how it would work. Would it then be within the competence of the Governor-General to instruct the Government of the Punjab that they should recruit a specified percentage or a specified number of European engineers through the Secretary of State?—I would cut the Governor-General out entirely. I would lay it down by statute that the recruitment to the Irrigation Branch had to be in a certain proportion of men from this country.

7. You would lay that down in the Constitution Act?—Following the Lee Commission report.

8. But for all time or for a limited period?—I think I dealt with that in my memorandum.

9. Yes, I think you did; I do not remember the exact paragraph in which you state it?—I said I was not a bit impressed by the five-year proposal which seemed to me to be absolutely useless and I would leave it for the local government to make out its case and for Parliament to accept it if its case was made out in due course.

10. Yes, I remember now. But the percentages laid down in the Constitution Act should remain in force until the Government of the Punjab have made out a case for altering them. That is your suggestion?—Yes; that is what one would do in practical politics—practical work. It would be for the other side to move.

Marquess of Zetland: Thank you; I just wanted to be quite clear in my mind how it was that you proposed to deal with that particular problem.

11. *Marquess of Salisbury*: Sir Raymond Hadow, you fully appreciate the capacity of your Indian staff; it is not that you despise them at all?—Not the slightest. Some of the best technical engineers that we have are Indians.

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12. It is when you come to the position of superintendent or something of that kind, where you require more administrative skill, that the difficulty arises?—Exactly.

13. Would you tell the Committee how it happens that the Indians recruited are not qualified for the higher posts?—It is rather a difficult question to answer, but, as I have said in my memorandum, I think it is very largely due to the fact that the recruits do not come from the right class or classes; we do not get so much the sons of big landowners or ex-Army officers. On the other hand, we get more of the sons of shopkeepers and traders and possibly moneylenders who have no tradition of good administration behind them. That is my solution; I do not say that it is a fact at all; that is my opinion only.

14. Your opinion, of course, is very valuable. Now, at any rate, as I gathered from your memorandum, the result is that the peasants, or lower classes, to whom this question of irrigation is so vitally important have a sense of suspicion of other than British administration?—The Muhammadan suspects the Hindu, and the Hindu suspects the Muhammadan.

15. The communal question enters into it?—Badly, I am afraid.

16. Has it happened to you that you have evidence that these unfortunately contending persuasions rely upon British intervention as administrators?—It has. If you will permit me, I could give a short case.

17. Yes, please do?—There was one case when several deputations came up to protest to my Honourable Member and myself in Simla against the way they were being treated in the distribution of water. They came up to Simla I think twice in the hot weather, which is an example of the interest they were taking in the matter. I took the earliest opportunity of going round to see what their distribution was like after I had removed the Hindu officer on the orders of my superior and replaced him not by a Britisher but by an Indian Christian, because I had not a Britisher to place there. When I made my investigation I was met by crowds of men, and I spent most of the day making the investigation, and in the evening I announced to them that of all the cases I had tried, two, I think (speaking from memory) were short of water, and one was in excess, and in the remainder, 25 or 30 cases, the supply of water was correct. They took what I said with a shrug of the shoulder and said: "If you say it is right, all right, but what about the Hindu superintending engineer?" They also wanted him removed. That, Sir, is an example of how they would accept, as it were, an impartial statement that their water was right, whereas before they had been almost on the point of rioting about it; but the moment one Hindu was removed, they wanted the next Hindu removed as well.

18. Rightly or wrongly they trusted the British official in a way they would not trust an Indian official?—Exactly. What they were complaining about was perfectly all right except for these three small cases which I have mentioned. I had nothing to say against what was done except that it was possibly done tactlessly.

19. In the case you have quoted, although there was in truth no injustice, yet they had not sufficient confidence except in the British official?—Yes.

20. But I suppose there are cases, are there not, when things are not quite so equitable as that in the distribution of water. Injustices sometimes are done?—It is inevitable that in any system of distribution of

water in the Punjab in the course of years that distribution, as it were, gets out of date, and it has to be continually overhauled, and if it is not overhauled in time or correctly, then the distribution of water is unequal.

21. Apart from the particular case you quote is there ground for a general suspicion amongst the peasantry? Is there such a thing, for instance, as corruption amongst the Indian officials?—Amongst the lower staff undoubtedly it is inevitable. It is in all of the lower staff of every Department.

22. In India?—Yes.

23. You do not mean everywhere; you mean in India?—I was thinking of India.

24. I am not sure that it is a very good word, but it is always used, but is there, what is called, nepotism? I think it practically means the helping of your relations?—There is a certain amount of it, but there is not much opportunity for it for the reason that we know perfectly well, when an officer is posted to any particular district, whether he has land there or relatives there, and consequently he is not often posted to his own district.

25. At any rate, you lay the greatest stress, as you did to my noble friend just now when he was examining you, upon the recruitment of an adequate number of British officials?—Yes.

26. I suppose that there would be some kind of protest if hereafter under the new administration British officials were recruited in the same proportion as they are now. Do you fear that?—No; I think it would be purely political.

27. Purely political, you say?—Yes, purely political, and I do not think it would really be very genuine.

28. You mean to say they would be obliged to have a sort of national appearance outside?—The Punjabi is very patriotic, provincially speaking, and " The Punjab for the Punjabis " is a very common cry, and the introduction of any other element is always objected to as a matter of principle, and they would naturally object openly to the recruitment of Britishers.

29. But you say you do not think it would be very genuine?—I do not think so. Why I say that is because so many politicians have spoken to me privately on the difficulties raised by the paucity of Britishers now in the Service.

30. I did not quite catch that?—So many politicians have privately spoken to me about the difficulties raised by the paucity of Britishers now in the Service.

30A. You say " privately "?—Yes.

30B. You stress that word " privately ", do you?—Yes. Speaking as man to man, and not, of course, in the Legislative Chamber.

31. In answer to my noble friend you said you thought this recruiting ought to be carried out by the Secretary of State, not by the Governor-General?—I favour the opinion that the Secretary of State should recruit simply because I think he is the most powerful recruiting agency, the only agency by which we could get the right stamp of recruits.

32. You mean no one else would inspire sufficient confidence amongst the classes from which the recruits come?—Amongst the Universities and Colleges from which the recruits come.

33. In England you mean?—Yes.

34. You speak principally of the Punjab?—Yes.

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35. But do you know something about Irrigation in the other parts of India?—I should be very sorry to give much of an opinion about it.

36. You just mentioned Sind?—Sind is next door to the Punjab. I know the conditions there better than I do those in other Provinces. I know the officials better, and I know the Sukkur scheme would be largely colonised by Punjab peasants.

37. May I take you to a rather different part of the subject? I suppose it is common ground, is it not, that the Provinces under the new Constitution must have some control over Irrigation. You do not think so?—I am afraid I do not quite understand.

38. I said it is common ground that in the new Constitution the Provinces should have some control over Irrigation?—The Provincial Governments?

39. Yes?—Yes, certainly.

40. You agree?—Yes, certainly.

41. Do you think there is any risk attaching to it? Would the Provincial Government be likely to look after Irrigation and give it sufficient attention and sufficient expenditure?—In the Punjab I am pretty confident that it would be all right because the agriculturist has the majority in the Council and always will have, and the Muslims under the Communal Award have also the majority and, personally, I think that they will always look after the goose that lays the golden egg.

42. That would be all right in the Punjab, but, as between Province and Province, there might be friction or difficulty sometimes?—There is almost certain to be.

43. "Almost certain", you say?—Yes, there would be friction between the Punjab and Sind, there would be friction between Kashmir and the Punjab and probably between the United Provinces and the Punjab over the Jumna, and so on; it is inevitable.

44. You would not like to add anything to the Committee out of your great experience under that head, because that is very important from our point of view?—At the present moment the Punjab is forbidden to take any more water from the Indus for ten years from 1929, in order that it may be established that the water there is more than sufficient for the Sukkur Barrage project. The Punjab holds that it is established now, and that we are simply waiting for ten years to prove what can be proved now, that is to say, everybody is losing money, waiting for ten years. We cannot go on with our projects; we cannot colonise; the peasants cannot grow crops, all because there is this difference of opinion. The Secretary of State gave his orders that we must wait for ten years. I presume in the future there will be nobody to give those instructions.

45. You are faced with that difficulty. You suggest a Board, I understand?—Yes.

46. A British-India Board?—Yes. It would have to include the States; the States must come in too.

47. It would be an all-India Board then?—Yes.

48. If I may put it in that way, if you had your way in the matter, would it have a mandatory power or only an advisory power?—I should make it mandatory.

49. You would give it authority?—Yes.

50. You also say you would like to see the office of Inspector General continued?—Yes, or, rather, it is not continued at the present moment; it is abolished.

51. When was it abolished?—After the Inchcape Committee. I am not quite sure when it was; it was about 1924.

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52. That was an economy provision, was it?—Not entirely; it came in with the reforms too. The argument was that Irrigation was a Provincial subject, and therefore there was no need for an Inspector General at the Central Government.

53. In your experience would you say that the loss of the Inspector General during these years has been important?—I think we miss him very much.

54. It would have been of great benefit if he had continued, you think?—I think so.

55. And the Inspector General, of course, would be a Central Official?—Yes, but I would make the Provinces contribute to his pay.

56. In your view, Sir Raymond, would he be under the authority of the responsible Government at the Centre, or under the authority of the Governor General?—I am afraid I have not considered the details.

57. *Major Cadogan*: You could not, of course, make a stipulation that he should be a European, could you?—No, Sir, I had not that in my mind.

58. I was only wanting to make quite sure what you meant?—I had not anything of that kind in my mind at all.

59. *Marquess of Salisbury*: There is one other Central matter about which I would just like to ask you. Have you thought at all about the difficulties of a proper system of research in respect of Irrigation?—I did think of writing something in my Memorandum about it, but I did not quite see how it came into the question raised by the White Paper. I noticed, I think I am right in saying, that one of the Federal Subjects is "Central Research"—I think those are the words. I have not the White Paper with me.

Mr. Butler: I think it is No. 42.

Marquess of Salisbury: That is so, is it not, Under-Secretary?

60. *Mr. Butler*: Yes, it is in the Federal List, No. 42: "Central Agencies and Institutes for research"?—That assumes, apparently, that there is a Central Agency for research, whereas there is not any.

61. *Marquess of Salisbury*: There is not at present?—Not for Irrigation research.

62. Do you think there should be? Please do not confine yourself to the White Paper; we have a larger scope than that.—The difficulty was this: Under the present Constitution research is at the present minute a Central Subject, but the Central Government does nothing for Irrigation research at all. The Provinces, I was going to say in despair, have started their own small research institutes; we have one in the Punjab; the United Provinces has one; Sind has one; I believe Madras was about to start one when I left India, and they are doing good work, but their funds are very, very limited. The reason for that is, in a way, that the Provinces feel that research is a matter for the Government of India under the present Constitution and they are fortified in that opinion when they see the Government of India give ten lakhs a year, I think it is, to Agricultural Research. They also run the Pusa Agricultural College. They also run the Dehra Dun Forestry Research Institute. But the Government of India's sole contribution to Irrigation research is the contribution of 7,500 rupees every year to our little Bureau of Information which we run for ourselves. We have so little funds at our disposal that we very nearly had to give up our representation at the International Conference about Dams. That is in a country which has some of the biggest dams in the world, and they very nearly could not afford to send a Delegate there. We just managed to get the Government of India to give us funds for that.

63. So what you would like to tell the Committee is that you think this is a very important subject which ought to be run Centrally?—I think so, and I think if there were an Inspector-General he would bring it much more before the Central Government. It is possibly news to you that in the whole of the Central Government there is not one Engineer of any kind. Naturally, they do not hear much about such matters.

Chairman: I did not like to interrupt Lord Salisbury's consultation, but the position is that Mr. Mullings is now available. It is a question whether the Committee would desire that Mr. Mullings should be heard at the same time as Sir Raymond. What does the Committee feel about that? That was the original arrangement.

Lord Hardinge of Penshurst: I see no objection to it.

Chairman: I have none.

MR. (now SIR) C. T. MULLINGS, C.S.I., is called in and examined as follows:

Chairman: Mr. Mullings, you are happily able to join Sir Raymond Hadow in consultation with the Committee at this stage. You have been good enough to prepare a Memorandum for us for which we are greatly obliged. We are in course of putting a few questions to Sir Raymond Hadow, and the Committee feels that both you gentlemen might well be heard together. Perhaps either of you will answer questions, as you think best, or if you disagree with each other on any particular point perhaps you will make that clear.

64. *Lord Rankeillour*: Sir Raymond, if the office of Inspector-General is revived, to whom should he report?—(*Sir Raymond Hadow*): I should follow more or less the same procedure as was adopted before, and that is: He reported to the Government of India, who merely forwarded his report to the Local Government. It was open to the Local Government to accept or to refuse the matter that was in the Report. They were not bound to accept it.

65. In practice, did the Central Government find any means of enforcing the Report, if they agreed with it, on the Provinces?—I do not think they could enforce it. They might bring pressure to bear, but I do not think they could legally enforce it in any way.

66. And, in future, they would not have the same means of bringing pressure to bear, would they?—No; they could merely express an opinion, but I would leave it entirely as it was in the old days, namely, that the Local Governments were presented with the Report of an independent and outside expert, and they could take it or accept it, and, if they refused it, it was their responsibility.

67. You would not regard it as possible to devise any means to enable the Central Government to enforce a report?—No, I do not think I would.

68. Now about the Irrigation Board: You wish to set that up merely for the purposes of adjusting quarrels and differences between Provinces or between Provinces and States?—Yes.

69. It would have no further function; it would not have any administrative function in trying to keep up the standard?—No.

70. Would you give its decisions the force of law—that is to say, would you give them the same validity as the decisions of a law court?—I think so. The questions that arise are nearly always of this kind: There may be a dispute between two Provinces; one Province, say, claims half the share in a river; the other Province says: "No, the share is not half; it is only 25 per cent." The decision that the Board would give would be that the share was 30, 40 or 50 per cent., whatever the decision was that

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they arrived at. That is nearly always the sort of difficulty we get into. I think Mr. Mullings has considerable knowledge between Madras and Hyderabad. (*Mr. Mullings*): And Mysore.

71. *Lord Rankeillour*: And I suppose if there is to be a new Federal Court, you would not allow the decisions of this Board to be subject to appeal to them, would you?—(*Sir Raymond Hadow*): No. My whole object is to keep all disputes of that kind out of the law.

72. But you would give their decisions the same legal sanctions as the decisions of a Federal Court?—It would have the same power.

73. It might not be very easy to exercise in the case of a recalcitrant Province, might it?—If they had accepted the proposal of a Board and had accepted its opinions, it would be rather strange if they went back upon it when the decision was against them.

74. But you have not thought of any kind of monetary sanction by withholding grants in a case like that?—It never crossed my mind that they would refuse.

75. Or that a State would refuse?—I think I said the States would have to accept the finding of a Board as final.

76. And, in fact, they would have, when they acceded to the Federation, to accept the jurisdiction of this Board?—Yes. I do not myself think the States or Provinces would object to such a proposal.

77. Now there is just one other thing, and you must pardon my ignorance, but how does the system of irrigation in practice work? I suppose there is rationing of water?—That is practically what it amounts to. The water is supplied in the Punjab at a rate of so many cubic feet per second per acre.

78. And is it necessary sometimes to curtail and then afterwards to increase the amount?—It does not flow continuously; it flows at intervals, and those intervals depend upon the supply in the river, the climatic conditions, the rainfall, the sowing of crops or ploughing, and it is very easy to see that you can keep certain areas short of water, and it very often happens naturally at a time when it is most important that they should receive it.

79. Can this cutting off or restriction of water in an area sometimes be exercised by subordinate officials?—It can be; it should not be.

80. But it can be?—It can be.

81. And right down, I suppose, a whole hierarchy of officials, even the quite low ones, might have power to let a landed owner or occupier of land have more or less?—Yes.

82. And that is what you fear, that for vindictive or corrupt reasons someone might be kept short of water?—Yes.

83. And that is why it is so necessary to have capable men who watch this process at the top?—I would rather put it: men with whom the Punjab peasant is sure he will have a square deal.

84. Do you think that sort of difficulty, accentuated by the communal trouble would be as acute in other parts of India as in the Punjab?—(*Mr. Mullings*): In Madras it would. (*Sir Raymond Hadow*): I would hesitate to reply, Sir; I would rather stick to what I know.

85. Is it difficult for the higher official to detect any improper switching off of water, and so on—is it a matter that he can soon find out?—It is not easy for a higher official, but the men immediately over the person who is not sharing the water fairly ought to be able to tell quickly, but for a higher official he would only know from complaints most probably.

86. And then he would have to hold an inquiry?—He would hold an inquiry.

87. And he would have to be a man who understood something about evidence, and so on?—It is purely an informal inquiry.

88. *Lord Middleton*: What is the system of the administration in a Province under the Chief Engineer? How are his responsibilities delegated? How is the Province divided up?—In the Punjab, the Provinces are divided up, I think it is, into 17 circles of superintendents in charge of a superintending engineer.

89. Then the work of the head of that circle is mostly administrative?—Yes, exactly; that is where the administrative side really begins, with the superintending engineer. Under him are three or four engineers whose work is executive.

90. At what point does a technical engineer become an administrative engineer—that is, when he becomes a superintendent of a circle?—Yes, that is when he becomes important.

91. You rather dwelt on the fact that the Indian engineer was a better technician than administrator?—Generally speaking.

92. Can those circle superintendents' posts satisfactorily be held by Indians as a rule?—Yes. (*Mr. Mullings*): In Madras very often.

93. But satisfactorily?—(*Sir Raymond Hadow*): Some of them are.

94. The point I wanted to get at was what proportion of officials in a Province should be British?—The proportion of Indians and the British in a Service or Province has nothing to do with the number who will be employed in the administrative rank. Promotion to that rank is entirely by selection, so you might have a proportion of 50-50 over the whole service, but by the time it got to administrative rank it might be any other proportion you like, because the proportion is, or should be, entirely by selection.

95. Then supposing there are complaints of corruption in a district or a circle, who initiates the investigation or proceeding?—It depends upon to whom the complaint is made; if it is made to any officer, he would most probably start investigations on his own.

96. Would it be more difficult for an Indian to whom a complaint was made to investigate the complaint than for a British officer? Would he be subject to influences which would make it difficult for him?—Quite rarely he might have pressure brought to bear upon him not to make an investigation; but if it is a big case, it would be beyond his power to stop it at all. I sat on two Commissions of Inquiry myself during 1930, I think, and they both concerned officers of my own Department, both executive engineers. I think this is answering more or less your point. We were appointed as Commissioners, I and a Judge of the High Court under the Public Service Inquiry Act, which is an Act to enable you to inquire into cases of this kind. It was semi-judicial, but it only reported its findings on the charges. We gave no verdict on the officer himself. We had Counsel, and it took us nine months to be able to write a report on two of the charges. There were nine charges against the officers, I think I am right in saying. We did two and then informed the Government and gave them unofficially a look at our report, and they said that was quite enough, so we did not proceed with the rest; otherwise, one might be sitting there still. One needs some form of inquiry, undoubtedly. An ordinary officer, when he takes up a case of that kind, nearly always ends by saying that he will never touch another one; it gives him so much extra work and trouble, and usually a very unsatisfactory result at the end. Of course, the attempt is made to subject

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the charges to legal proof and the officers who inquire into the cases seldom know anything about the law; loopholes are found, and the whole case falls through, although everybody knows it is perfectly true.

97. *Sir Reginald Craddock*: Sir Raymond, what classes or castes do you get your engineers from, principally?—A great many of them come from the Bunya class, but we get them entirely from the Thomason College at Roorkee, and the Punjabis are usually very high up, most of them, mostly Hindus; they take very high places, and are mostly of the Kutri and Bunya classes, the shopkeeper class: I am speaking there from memory.

98. They are very largely Kutris, I suppose?—Yes.

99. What about Sikhs?—We get a certain number of those, but not very many. The competition at Roorkee is exceedingly keen, and most of the higher places are taken by the Hindu element; we occasionally get a Muhammadan, occasionally Sikhs, occasionally even Anglo-Indians.

100. Speaking generally, I suppose, you would say that the Hindu would get the majority of these posts?—Unless, as we do now, we pick any Muhammadan there is who is qualified, no matter where he is on the list, and then fill up the remaining vacancies with Hindus.

101. That does not make for the most competent people being employed?—No.

102. Then you spoke about administration. I have, of course, some experience of these Departments, and I was anxious to know from you whether you had had different experience from mine in the Punjab. One generally found that a man who was quite a brilliant promising assistant engineer and a good executive engineer aged more quickly than the European, and that very often a man who on his record is promoted to be superintending engineer does not fulfil the promise because he is getting fat or lazy or aging quickly?—Yes, I think that is very true.

103. Then as this irrigation would be under a Minister, you said particularly how important it is that in filling administrative posts, such as superintending engineer and above, selection should have full play, but with a Minister in charge, would he not have great pressure put upon him, whether from the Legislative Council or the politicians, to promote men who really would not have been selected under a strict system of selection?—That is very likely, but I am afraid that my opinion is that the selection at the present moment is not strict enough. I do not think that you can say that that would be the result of putting the irrigation under a Minister only.

104. No. The difference there, I suggest to you, is that it is rather more likely to happen with a Minister who is responsible to the Legislative Council and to the pressure put upon him by politicians than it is with an Indian member who is a member of a Council, it being a reserved subject?—Yes.

105. I think, Mr. Mullings, you say that in Madras the best engineers are found among the Madrasi Brahmins?—(*Mr. Mullings*): Yes.

106. How far do you find that the same men who are very good engineers are also good and reliable superintending engineers, namely, in administrative work?—I should think quite half of them have been excellent.

107. The Madrasi Brahmin is rather special in these respects, as far as I have seen?—Yes, I think so.

108. Then, Sir Raymond, you spoke about research; you mean by that the engineering part, do you, because the agricultural people conduct a great deal of research bearing upon irrigation of crops?—(*Sir Raymond Hadow*): Yes, but, if I may say so, their research has got a different object in view. Agricultural research has nearly always aimed at improving crops or improving the seed or the production of special kinds of crops, whereas our

research is aimed at trying to prevent deterioration of soils by waterlogging. The two angles of vision are entirely different.

109. Of course, one would notice that difference in the Punjab, because so much of your irrigation is applied to land which would not crop at all if there were not irrigation?—Yes.

110. Taking my own experience in the Central Provinces, the difficulty was that where you get fairly decent crops, through reluctance to get water and incur that expenditure when they are hoping still that it may rain, they very often leave it till it is too late?—Yes.

111. Therefore, agricultural research in the Central Provinces as regards irrigation was directed very strongly to bringing out the benefits of irrigation to all sorts of crops in which the people were not accustomed to applying it. You do not get that in the Punjab, but you may get it elsewhere?—Quite so.

112. Then as regards the Irrigation Board that you have spoken about, in the past there has not been a Board with the Government of India to deal with disputes between Provinces, has there?—No, there has been no such Board.

113. But you had an Inspector-General of irrigation?—Who usually managed to reach a decision of sorts. I think they did in Madras.

114. But did they not have arbitrators appointed in Madras, usually?—(*Mr. Mullings*): Yes. I think we once had a Judge from the United Provinces.

115. An arbitrator?—Yes.

116. Who gave a formal award?—Yes.

117. That award was a recommendation to the Government?—Yes.

118. It did not go beyond that?—It did; it was disputed by the Madras Government, and I think it was considerably altered later on. That was 15 years or 20 years ago.

119. Where do you get your recruits from in Madras?—From the Engineering College at Guindy, close to Madras.

120. You do not get any Roorkee men there?—No.

121. I suppose all your engineers are Madrasis?—Yes.

122. You have not any outsiders?—Practically none; I doubt if there is one.

123. Do you get any Anglo-Indians in Madras among the Public Works Irrigation Board?—There may be a few subordinates, but none in the higher ranks.

124. You have not had any executive engineers?—No, not as a rule; there are one or two. The N.C.O.s have been allowed through the subordinate ranks and they have occasionally risen to be executive engineers about the end of their service.

125. They get some training at Roorkee?—Yes, or at Madras, or at one of the provincial colleges.

126. Sir Raymond has told us that he would like the present proportion of British recruitment of the irrigation engineers to be continued and appointed by the Secretary of State. Do you concur in that?—I think a few would be very desirable; but it would be hard in Madras to restrict them to the Irrigation Service, because we have not got a separate Irrigation Department.

127. You have never separated irrigation entirely from roads and buildings?—No, we have not.

128. You can have an Irrigation Branch, cannot you?—You could have, I suppose, but it would be rather difficult in the ordinary dry districts where

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there are tanks and buildings all muddled up together. It is not necessary to have more than one executive engineer for one of those districts.

129. But you have some engineers in Madras who have rather concentrated on irrigation?—Yes.

130. And who are employed in all the most important irrigation schemes?—Yes.

131. That would be so, would it not?—Yes, they could easily.

132. Still, at the same time you would like to see British recruitment continued to some extent, anyhow?—Yes, especially for irrigation. It does not matter so much about roads and buildings in Madras.

133. *Lord Eustace Percy*: But if it was only irrigation in Madras, would you have sufficient opportunities of promotion in a separate Irrigation Branch to get Englishmen?—I do not know. You would find that out after advertising for recruits.

134. *Mr. Davidson*: Mr. Mullings, in Madras, a great deal of the irrigation is as between the States and the Presidency, is it not? I mean, in Hyderabad and Mysore, and even down to Travancore there are questions which affect both?—Yes, there are.

135. Do you find that the qualifications of the State Irrigation Officers are more or less the same as the others?—No; nearly as good.

136. Do State subjects go to the College at Madras?—They have a little college of their own. One or two are occasionally sent to England.

137. *Major Cadogan*: I would like to ask you, Sir Raymond, supposing European recruitment to this Service ceased altogether, do you anticipate that the Provincial Governments would enlist European experts on short time contracts, and, if so, would that allay your misgivings as to the efficiency of the administrative being effected?—(*Sir Raymond Hadow*): I do not think it would be the slightest good to enlist experts on short time service. You have first got to catch your expert, and I do not know where, outside India, you would get anybody who could give really expert advice on the Indian form of irrigation. Secondly, a man would take many years before he could possibly get to the bottom of the question. The only form of expert you can get is the purely constructional engineering expert, not the irrigation expert, if I may put it that way.

138. *Lord Hardinge of Penshurst*: Mr. Mullings, you say that the best engineers are Brahmins. Do you mean that the non-Brahmin Hindus are less efficient than the Brahmins?—(*Mr. Mullings*): They do not pass such high tests in the examinations, so they do not get a chance of being appointed as a rule.

139. Why do they not pass?—They are not clever enough, yet.

140. I should have thought there was very little difference between them, the non-Brahmin Hindus, and the Madrasi and the Brahmins. Of course, you know better than I do. You say there is?—The Brahmin preponderates in the educated classes tremendously in spite of his smaller numbers.

141. Then do you consider that nepotism and corruption will be very much increased with the gradual disappearance of British officers?—I should think they would gain by their own experience.

142. Are the Brahmins equally corrupt?—Yes; I do not think they are as bad as they have been.

143. Education makes no difference, then?—I think they are improving quite a lot.

144. And you consider there would be no failure in the administration—no great breakdown were the British element to be entirely eliminated?—I do not think there would, no.

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145. Now as regards Mysore and Madras, there they have got an Irrigation Department, which is an entirely Indian Department, I fancy, have they not?—Yes.

146. And they construct all their irrigation works themselves?—Yes.

147. Do you happen to know whether they are very efficiently constructed or not?—The only one I know well, their largest one, has been very well built, Kunumbadi Reservoir it is called, a big irrigation work on the Cauvery.

148. I know it. I suppose if Mysore can get on as well without the British element Madras can?—Yes, the officers would be just the same type.

149. *Lord Hutchison of Montrose*: Provided that the White Paper Proposals were carried out, and Irrigation is a Transferred Department to a Province, how do you suggest that you could carry out through a Board control of water which affects several Provinces. Supposing a Board legislated on a definite question of policy of the handling of the water of a long river how could you enforce that on the Province concerned?—Unless the Central Government could, I do not know who could.

150. Have you studied at all the Egyptian water question from the point of view of policy?—No.

151. There there is always a conflict, or has been until declarations were made between the Sudan and Egypt as to the position of water on the Nile, and barrages were continually having to be made in a Province other than that to be served, in other words, upriver?—Yes.

152. Will that not be so in India?—I do not think it need. I think an Irrigation Board could settle it straight off.

153. Could they carry through negotiations between Province and Province as to the building of a barrage for a lower Province, in an upper Province, we will say?—I do not think that case would occur in Madras. (*Sir Raymond Hadow*): It might easily occur. You might easily have to conserve the waters of the Indus, say, far up in the Himalayas, not in either of the Provinces concerned. In fact we have been negotiating with one of the Hill States about building a dam right outside the Province entirely. The negotiations never came to anything in my time.

154. Would not such negotiations have to be carried out by a Central authority like the Government of India?—At the present minute?

155. Such negotiations with another State would have to be carried out by the Government of India?—At the present time or in the future?

156. In the future?—In the future I would put it all in the hands of a Board.

157. You have the same thing on the Nile where you have negotiations with Abyssinia and the Sudan to provide water for Egypt?—Yes.

158. If it is going to be purely a Provincial Service, what overriding authority will you have in the Government of India to deal with water, or conflicting interests, or the provision of barrages in a Province other than the one to be served?—That is what I would put in the hands of this Board, I suggest.

159. Which points to the necessity for some all-India control over water?—Very much so. That is what I failed to find in the White Paper. (*Mr. Mullings*): I agree.

160. *Earl Winterton*: Mr. Mullings, I gather the general effect of your assessment of the situation in your memorandum is that the competency of Indian engineers has been gradually increasing in recent years and corruption shows a tendency to decrease, or, rather, the standards of the Indian engineers in the Service show a tendency to improve?—Yes.

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161. *Earl Winterton*: And that despite the fact that at the present time they have the worst possible example of corruption in some countries where there are people of European descent?—They have the very worst example.

162. *Major Attlee*: Sir Raymond, I am not quite clear on your idea for a Board. Is the Board to be representative of the Provincial Governments or just of the Engineering Services?—(*Sir Raymond Hadow*): I would make the Board very much on the same lines as the Central Board of Irrigation at the present minute which contains members from all Provinces. If a question arises about one Province naturally that member of the Board does not come into the question at all. You select a panel of about three men from the Board, and you naturally select those who have experience of the kind of question raised but who have no connection with the actual Province itself.

163. It is more an arbitral Board than an administrative Board?—The present Board is merely to advise the Government of India.

164. Assuming you have the White Paper Proposals you have Provincial Autonomy?—Yes.

165. You have also got the States?—Yes.

166. Questions will come up with regard to the share of water between these, and possibly the consideration of joint schemes. Is it your idea that that should be done merely by negotiation between the parties concerned, or should there be some all-India authority that would be dealing with the matter on a more or less large scale plan?—I would have the outside authority. The negotiations between the States themselves will always take place. It is only when they fail to reach an agreement that the question would come up of the necessity for any other power.

167. Seeing that under the White Paper you are going to have a Federal Body at the Centre on which the States and the Provinces are going to be represented, do you think that it would be well that there should be some power in the Central Government?—Are you speaking of the Federal Court?

168. No, the Central Legislature?—I do not see the connection between the Central Legislature and this particular question of disputes.

169. The question of Irrigation I was suggesting was not a matter solely for one Province or one State?—The sources of supply for irrigation are certainly a matter of almost what one might call Imperial interest.

170. Exactly, and the point I was putting was whether you did or did not think that there should be in the Central Government some power of co-ordination?—That would be an alternative to the Board, I suggest?

171. Yes?—I am afraid my Board is a very half-boiled idea. I merely put that forward because, shortly before I left India, I discovered what I thought was this gap in the White Paper, and I made that point to my, local government, and what has happened since I do not know. I may be quite incorrect, and there is no gap, but as far as I can see (I have studied it again) there is this gap, and a very serious gap. I only put forward this suggestion for a Board as some way out of it, but if there is a better solution I should be very glad to adopt it.

172. With regard to the question of the retention of a certain number of British personnel in the Engineering Services I was going to put it to you as to whether it would not be possible, without saying that you must have direct recruitment through the Secretary of State, to have some kind of power in the Central Government which, as it takes cognisance of all India, would be interested to see that there should be a certain standard of administration throughout the Irrigation Services?—I do not quite see what would follow from that, Sir. The idea is that

the Central Government would take cognisance of the fact that in any Province there was not sufficient recruiting of Europeans, but I do not see what the next step would be.

173. Could not the Central Government actually recruit?—I do not think they could recruit well. I know for a fact from my own knowledge (I go back as far as 1914 in my knowledge of it) the Secretary of State's recruitment has not been easy except for a year or two after the War. He has not been able to get men very easily, and is it likely that the Government of India or the Provincial Governments could get men easily, or get them at all? I do not believe you would get them at all.

174. Is that from the point of view of the stability of employment?—No.

175. Or from the point of view of selection?—It is the mistrust, I think, that the College and University Authorities have for any new source of recruitment. They know the Secretary of State; they have supplied him with recruits for years, but when a new authority comes forward and asks for recruits I do not think they will take any notice of it until they see exactly what happens to other recruits who have been sent there. It has been so difficult that I think in 1925 two engineering officers were sent round all the engineering colleges in Britain finding out what the difficulties were and doing a mild form of propaganda, but I think it was only a few years ago that we asked (I am speaking from memory) either for three or two recruits and we only got two or one. That shows how difficult it is to get recruits even through the Secretary of State.

176. *Mr. Cocks*: Sir Raymond, at the present time the proportion of recruitment for the present All-India Irrigation Service is on a basis of equality, is it not, with a twenty per cent. reservation for the Provincial Service?—Yes.

177. It is forty per cent. British to sixty per cent. Indian?—It amounts to that.

178. Is that the proportion you suggest should be continued?—I did not fix any particular proportion in my mind.

179. *Mr. Cocks*: You do not suggest any definite percentage?—In the 40's or 50's would do. It comes to the fraction of a man in the end when you are only recruiting about three men.

180. Supposing you took it, for the sake of argument, that it should be 40 per cent. recruitment from Britain, do you mean 40 per cent. of each Provincial Service, or 40 per cent. of the total combined services in India?—I am only speaking of the Punjab in that case. I am not speaking of the other Provinces. Certainly a great many Provinces would not support British recruitment for their Irrigation Service. I am almost certain of that. I do not know what Mr. Mullings thinks. It would be so in the Provinces where Irrigation itself is a very minor matter such as Bengal.

181. *Marquess of Zetland*: No; I would not describe Irrigation as a minor matter in Bengal where we have tremendous hydraulic works for dealing with malaria?—I was speaking of Irrigation and not of Drainage, if I may be allowed to say so.

182. But I point out that drainage works are all part of the Irrigation Engineers' duties?—Quite so, but I have spoken to many Bengal Irrigation Engineers, and they have told me frequently that their entire work is drainage, Mr. Adam Williams, for instance.

183. I agree Mr. Adam Williams may find it is largely drainage?—It is all drainage. As to Irrigation itself, the putting of water on the land, is not the main service in Bengal.

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184. I agree, but you have your Irrigation service all the same?—That is so.

185. *Mr. Cocks*: Do you suggest that we should suggest in our Report a definite, but varying percentage for each different Province?—No, I would not go as far as that. I would say in certain Provinces (and I admit my own knowledge is not extensive enough to say which) where Irrigation is important a definite proportion should be laid down, but in the others it should be left to the local governments entirely.

186. It should be laid down in the future constitution of India you mean?—Yes.

187. As far as certain Provinces only are concerned?—Yes.

188. You know, of course, that the Simon Commission reported that British recruits are very difficult to obtain for the Irrigation Branch even on the All-India basis?—I did not remember that they had reported that, but I know that it is a fact.

189. If that was the case when Irrigation was a Reserved Subject, and on an All-India basis, do not you think that difficulty would be even greater if it is a subject that is to be transferred and made a Provincial one?—It would be, unless some form of guarantee is given by the Secretary of State. I am quite sure that a recruit entering the Irrigation Service would not even know what "transferred" and "reserved" meant. I do not think that would frighten him, but if he was told that the Secretary of State guaranteed his pay and pension he would consider that good enough.

190. *Earl Winterton*: He did guarantee them under the old system?—He did under the old system.

191. What the Lee Commission Report says is really very striking. After referring to recruitment for the Indian Civil Service and saying: "We are informed that men of the right type are coming forward in adequate numbers," they then add: "We understand that Police recruits are also in good state, but we understand that recruits are difficult to obtain for the Irrigation Branch of the Service"?—That is so, and they have been difficult to obtain for a number of years.

192. *Mr. Cocks*: It follows from that, does it not, that they will be even more difficult to obtain in the future under the new system?—What I suggested was very little altered from the present system. The only difference as far as I could see between them would be that they would be servants of the Local Government; they would have to rely on it entirely in matters like prospects, promotion, discipline and so forth, whereas, in the present system, in an All-India Service for those cases, they have an appeal, I think, to the Secretary of State; but the ordinary recruit does not even know that the right of appeal exists before he joins, I am quite sure.

193. Can you give me reasons why the sons of landed proprietors and that type of recruit does not come forward for this Service?—I think there are two reasons. One of them is that they are usually not clever enough; they have not got the acute mathematical brain that the other castes have; and, secondly, I think very largely in the Punjab, it is not looked upon as such a good profession, say, as the Army, or the Civil Service. It seems to me that the position in India is very much the same as it was about a hundred years ago in this country, when the engineer's profession was hardly a gentleman's profession. That is what I think the position is at present.

194. As far as that second reason is concerned, considering the importance of the Irrigation Service, do not you think that when it becomes a Transferred Subject and is Indianized, that objection will decrease, and that men of this type will come forward?—It will no doubt go as it has

gone in this country. I am speaking from personal knowledge. My relatives have told me that about eighty years ago they only became Engineers under great objections from their parents. It was scarcely a decent thing to do.

195. Who would appoint the Irrigation Board—the Central Government?—I have not gone into that, but it is the sort of thing I would leave in the hands of the Governor-General—not in Council, but the Governor-General—some purely outside authority.

196. You suggested it should be a statutory body, embodied in the Constitution of India?—Yes.

197. You said it would be constituted something like the present Central Board of Irrigation, which I understand consists of the Provincial Chief Engineers and the Consulting Engineer of the Government of India?—He no longer exists.

198. He did at the time of this Report?—No doubt he did, but he has gone now.

199. That Board is a purely advisory one at the moment?—It is purely advisory and it can only give an opinion when it is called upon to do so.

200. Would not you propose that its Constitution should be altered in some way if it is to be made a body with a mandatory power?—Certainly. I was merely pointing out that there is a Board of that kind in existence at present.

201. You would hardly make the Provincial Chief Engineers—Civil Servants—the masters of their own Governments on such an issue as this?—As I was explaining before, supposing there was a dispute between Sind and the Punjab, the Representatives of Sind and the Punjab on the Board would be the people to give evidence, not to sit on the Board.

202. But the Board's decision would be final, you suggested?—Yes.

203. Therefore, you would think that, besides these Provincial Chief Engineers, there ought to be other people added?—Yes, but in my opinion there should be a majority of Engineers. My experience is that it is always difficult to get laymen who understand the technical difficulties.

204. Would the appointments to the Board be of an irremovable character, as the appointments of Judges are, or would they be appointed for a particular purpose?—They would be appointed for a particular purpose. (*Mr. Mullings*): An *ad hoc* Committee.

205. I do not want Sir Raymond to answer this question if he would rather not, but would he care to say whether he agrees with Mr. Mullings when he says in his last paragraph: "but I anticipate no breakdown in administration were the British element to be eliminated by its gradual replacement or superannuation"?—(*Sir Raymond Hadow*): I do not quite know what he means by a "breakdown in administration." I have read that myself, and I do not quite know what it means.

206. Could I ask Mr. Mullings?—(*Mr. Mullings*): I think it would be very nearly as satisfactory as it is now in Madras, certainly.

207. Even if the British element were entirely eliminated?—Yes, and because for fifteen or twenty years there would naturally be some Europeans left.

208. But what would happen at the end of the fifteen years?—They need not be replaced, I suggest, in Madras.

209. *Lord Eustace Percy*: Sir Raymond, may I return for a moment to this recruiting question: How is the administrative personnel in the Punjab now recruited, other than promotions from the Subordinate Service?—(*Sir Raymond Hadow*): Are you speaking of the Irrigation Service?

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210. Yes?—Most of the recruits come from the Thomason College at Roorkee.

211. What is the recruiting authority?—The Local Government.

212. The Central Public Services Commission have nothing to do with it?—Nothing to do with it, and they are formally appointed, after probation, by the Secretary of State. It is purely on the recommendation of the Local Government that they have found these officers suitable. He appoints them because he is the only Appointing Officer to an All-India Service. It is purely for Constitutional reasons.

213. Does the Local Government set the standards for the recruits?—Yes, we take the Roorkee certificates or degrees, as it were.

214. Do you get as high a standard as if the Central Public Services Commission did it?—They would choose the same men. Just as I was leaving India it was left to the Public Services Commission to choose them and they took them from the same college as we took them before, but it is a purely independent outside authority, of course.

215. So far as the Secretary of State's recruitment of Englishmen is concerned, do you contemplate that the Secretary of State should fix the educational standards and the examination in this country?—That is what he has done at present and we find that quite satisfactory. He most probably consults the Civil Service Commission here, I should think.

216. I was just going to ask you what function, except a pure facade, the Secretary of State would perform? The actual operation would be that the Civil Service Commission here would be recruiting a certain number of men for the Punjab Service?—That is really what it amounts to, I suppose. He would be, as you say, really a figurehead.

217. The only function the Secretary of State would perform, I understand, is that you anticipate that he would guarantee in some form the scale of salary and the pension?—I suggest that because it struck me that he would not either care to recruit people to whom he could give no guarantee, and, secondly, he might not be able to recruit them without giving them some form of guarantee.

218. But the Secretary of State could not, under the new system, guarantee a salary or a pension, because he would not have the control over the Government of India which would make him the salary-paying and pensioning authority?—But he is going to do that for the Indian Civil Service and the Police for five years.

219. He does that because he still retains control over the whole Service?—Yes.

220. He specially reserves through the Governor-General, under the White Paper, responsibility for their salaries and pensions?—Yes.

221. But that would not be the case with the Irrigation Engineers, would it?—I see the difficulty. It always has been a difficulty to me. I only bring in the Secretary of State, because, to my mind, he is the only person who could get recruits. If I thought the Provincial Government could do it, or the Public Services Commission, or the Governor-General, I would be only too glad to accept that point of view, but I cannot see any of them being successful, knowing what I do know about the recruiting for many years past.

222. As regards the Indian personnel, you would see no advantage at all, at any rate from the point of view of the Punjab, in concentrating recruitment in a Central Public Services Commission acting on behalf of the Province?—I think they are doing that now for their own recruits—Indian recruits, I should say.

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223. I do not know whether I might ask Mr. Mullings the same question. Do you think that Central recruitment of Indian personnel would be better than provincial recruitment?—(*Mr. Mullings*): I do not think so.

224. You think it would be worse?—I think so, yes. The Public Services Commission in Madras takes exactly the men we should choose. (*Sir Raymond Hadow*): The difficulty with central recruitment is that you may get a Madrasi in a post in the Punjab and *vice versa*, which I think Mr. Mullings will agree with me would be nothing short of a calamity.

225. *Mr. Butler*: Arising out of Lord Eustace Percy's questions, you say, in your own memorandum, that, if possible, the Secretary of State should avoid fixing a scale of pay and pension, because you realise, I think, the difficulties under Provincial autonomy, that we are dealing with a transferred subject?—Exactly.

226. Since you have acknowledged this difficulty, I wonder if you could help us by elaborating any further some method of getting over this difficulty that you mentioned. Would you suggest that there should be some method of consultation with the Provinces as to the scale of pay and terms and conditions of service?—That might easily get over the difficulty. I presume the Secretary of State would do that in any case. He would not necessarily accept the present All-India standard of pay or pension; I am not suggesting that.

228. Do you suggest that there should be some method of consultation with the Province?—Yes.

229. I understand, and I should like to ask Mr. Mullings this, that you would not wish this to apply to every Province?—I certainly would not thrust it down the Province's throat.

230. May I ask, Mr. Mullings, what your view would be upon this question?—(*Mr. Mullings*): I do not think the Secretary of State is required to recruit Europeans for Madras.

231. Sir Raymond, you mentioned the question of Sind. You are aware, I expect, that in the White Paper the Government of Sind is declared to have a special responsibility in respect of the administration of the Sukkur Barrage?—(*Sir Raymond Hadow*): Yes.

232. Do you think that would be a satisfactory safeguard for the administration of the Barrage and all it means to the Province? Do you think that that would be a distinct help to Sind?—Undoubtedly. Of course, I think the Barrage is almost more important to Sind than the canals are to the Punjab; it is everything, I think.

233. Then coming to the difficult question of the Board, I understand that you have given this matter some consideration, but that you would hesitate to claim that these were your final views upon so difficult a matter?—Certainly. As I say, I do not quite know how far my idea that there is a gap in the White Paper on this point is well founded to begin with, and my idea of the Board is really my own. I have not polished it up talking it over with other people, or had the benefit of their criticisms at all.

234. I agree with you that it is necessary to find some provision in the case where one unit is using water to the detriment of the interests of another unit. May I put it to you that it is rather difficult to base this purely on proprietary rights of water or to make the question a legal one purely?—Exactly. It is very difficult indeed.

235. And that would be disregarding the many political, economical and social elements which are involved in the use of water in India?—Exactly.

236. Would it not therefore be wiser, since there are so many objections raised and since you have acknowledged that it is difficult to base this

question merely upon proprietary rights, that such a Board, which you have very kindly suggested to us, should be of an advisory character and should advise the Governor-General?—I would quite willingly accept that if I knew what the Governor-General would do on the advice. That is to say, could he then say to Provincial Governments who had provincial autonomy that, for instance, the share of water shall be so and so. I understand that he could not.

237. I refer to the difficulty there would be where one unit was using water to the detriment of another unit, and I suggested to you that a Board might be established which should advise the Governor-General?—Yes.

238. In the case of a difficulty between two units, would you agree that in the first place the Governor-General might reject the application if he thought it was not important and the difficulty was not a big one; an application from one or other unit, an aggrieved unit?—I find that very difficult to answer.

239. I do not want to press you, but in the case of one unit having a legitimate grievance, would you agree that this Board which should be appointed by the Governor-General, as you yourself have suggested, an *ad hoc* Board, chosen perhaps from a panel of experts, should then consider this grievance, and report in an advisory capacity to the Governor-General?—Yes.

240. And you will then, if you turn to the White Paper, see that under 70 G, the securing of the execution of orders lawfully issued by the Governor-General, he would have power to see that his orders were executed in a particular Province?—That comes under his special responsibilities?

241. Yes?—It has got to be the execution of an order lawfully issued by the Governor-General. Could he lawfully issue an order in this particular case?

242. If that were made plain in the Constitution Act, that would satisfy your difficulties?—I think so, yes; I think that would be a perfectly good solution.

243. *Marquess of Zetland*: May I ask one question of a general nature which I would like to put to both witnesses? It is admitted, I think, that in India there are some of the greatest irrigation works in the world, and in India they are of extraordinary interest to the irrigation engineers. Some of them were described by Sir Raymond as problems of drainage, which I should prefer to describe as the scientific regulation of flood water. There are other problems connected with the control of floods, for the prevention of disease, and so on, and I would have thought, therefore, that India would have been the irrigation engineer's paradise; yet I understand that extraordinary difficulty is experienced in securing competent engineers from this country. Now can they tell me what the real reason for that is?—It has always been a mystery to me. When one knows how difficult, for instance, it is to get employment in this country for the qualified engineers of the present minute, why more do not try to get out to the Irrigation Services in India, has always been a mystery to me.

244. From your knowledge of Members of the Irrigation Service, do you think there is anything with regard to the terms of employment which prevents people from applying—rates of pay, and so on?—I do not think so. I can only suppose that the University or College Authorities do not encourage it. They would probably say it is a lonely life and that everybody is fever-ridden. They have got most probably quite disturbed and wrong

ideas on the subject. I can only suppose that. I read a report of the two officers I mentioned just now, and they did not seem to me to throw much light upon that, either.

245. Can Mr. Mullings throw any light upon that problem?—(*Mr. Mullings*): Do you not think it is probable that an Englishman does not like taking orders from an Indian.

246. But that has not been the case hitherto, has it. The Englishman has generally been in the superior posts?—Yes, but in the future he will not be.

247. No, and you suggest therefore that one of the reasons which may militate against recruitment in this country might be that the Englishman would find himself in a position in which he would be obliged to accept orders from an Indian?—Yes, especially if he felt confident that it was a wrong order.

248. *Major Cadogan*: But was not recruitment equally as difficult before? There was not so good a chance as there is now of a European being under an Indian official?—(*Sir Raymond Hadow*): To my knowledge it has been difficult since 1914; that is my own personal knowledge. There have been years when it has been easier, such as after the War for instance; about two years after the War there were floods of recruits.

249. *Earl Winterton*: It would also apply to other services, the Indian Civil Service and the Police Service, that a European would be under an Indian. Is there any special thing that differentiates the Irrigation Service in that respect from other Services?—(*Mr. Mullings*): I do not think so.

250. *Major Cadogan*: It was certainly not as lonely as the Forest Service, is it?—(*Sir Raymond Hadow*): I should say it was quite as lonely as the Punjab Forests, and probably not quite so pleasant, because the Punjab Forests are very largely in the Himalayas. I confess I do not know the reason why.

251. *Marquess of Salisbury*: Mr. Mullings, you prefer Brahmins for your engineering officers?—(*Mr. Mullings*): Yes.

252. But the other castes would not be so good?—They are never as high in the examinations, so they do not get the chance of getting selected.

253. But would you be afraid that under an Indian administration in Madras under the new Constitution the other castes would be admitted to the engineering?—I do not think they would be.

254. You think that the Justice Party would always have Brahmins for their Irrigation Officers?—No, I do not think they would, if they could help it.

255. The Justice Party are in a majority, are they not, in Madras?—They may be; I have not been out there for four years.

256. Of course we were informed, I think, that the present administration in so far as it is transferred is in the hands of the Justice Party now?—Yes, I suppose so.

257. If that were to happen it would not be so good if you had other castes?—The better men are the Brahmins.

258. So that the others are the worst men, therefore?—Yes.

259. *Lord Eustace Percy*: They are all recruited by examination, are they not?—Yes.

260. *Marquess of Salisbury*: You are a little afraid of nepotism, are you not?—Yes.

261. You say that with a wholly Indian administration nepotism may increase?—Yes.

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262. Do you think it will increase?—I should think it probably will.

263. Then you think that until caste distinction diminishes the assumed bias of the Indian engineer will always be a source of distrust and suspicion to other castes?—Yes.

264. So that there are several elements in this difference of caste and in the possibility of nepotism which would lead you to think that an Indian administration would not be quite so good?—It would not be quite so good.

265. Therefore, when you say at the end of your precis " but I anticipate no breakdown in administration were the British element to be eliminated by its gradual replacement on superannuation " you do not mean quite what you said just now in answer to one of my colleagues, that it would be quite as good as it was before?—No, not quite as good.

266. *Lord Rankeillour*: Might I just ask Sir Raymond one other question? Sir Raymond, you told me earlier on that you would give the Central Board judicial power, and that their findings should have the force of law, but, if you adopted Mr. Butler's suggestion, that would not be possible would it? —(*Sir Raymond Hadow*): No. His was entirely an alternative.

267. A complete alternative?—A complete alternative.

268. And cases of disputes in law between the Provinces would still have to go to the Federal Court?—I would try to have it so that all disputes as regards water rights had to go to the Board. The alternative is either to make the decision of that Board mandatory or to bring it under the Orders issued by the Governor-General under one of his special responsibilities, under the White Paper.

269. But if some question of law were involved you could hardly prevent one of the parties going to the highest Court over it, could you?—Over the decision of the Board?

270. Over the merits of the dispute. Would you not have to draw a distinction between policy and law in those cases?—The difficulty is to know what the law is. I think it would be very difficult to draw any distinction. I have been concerned with some disputes about water rights, and so far as I can make out there is no law at all upon the subject.

271. But if one of the parties thought they had a case in law you could not oust the Federal Court by giving a power to the Governor-General to decide it—at least it would be a very strong order to do it?—It would be very difficult; I see the difficulty.

272. *Mr. Butler*: It would not be inconsistent with the scheme which I put tentatively to you, that if any point of law arose the tribunal could refer it to the Federal Court for their opinion?—That would be one way out of it.

273. *Lord Rankeillour*: And you said that for instance the tribunal should negotiate with one of the States under the Himalayas. That is hardly compatible with judicial functions is it?—The Board would?

274. Yes.—Did I say that?

275. I thought you did.—No. I quoted a case myself in which I knew we had been negotiating.

276. But I thought you said that kind of negotiation you would transfer to this Board?—No. I think what I meant was that naturally the Provinces or the Province and the State would carry their negotiations through to a point where they reached a dispute; then it would be referred to the Board.

Lord Rankeillour: I beg your pardon; I misunderstood you.

277. *Lord Eustace Percy*: I wonder if I might ask one quite different question about Sind. How is the Irrigation Service to be recruited for

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Sind as the barrage work expands? I mean if the administration had remained as at present, would a staff have been drawn from the Punjab or other Provinces?—No; they have drawn all their staff from Bombay.

278. They have up to now?—And I presume they have got very nearly their full staff at work.

279. They have already, have they?—I should think so; I do not know. I am judging from my own experience in other projects in the Punjab where within say three or four years of the completion of the work you have got your full staff on it.

280. But if you have under the new Constitution a separate Province of Sind with a separate Provincial Irrigation Service, is that Irrigation Service likely to be large enough to provide prospective promotion for Englishmen?—It would be very small; the whole project is only as big as some of our single projects.

281. Is it conceivable, or are the language difficulties too great, that you could have a joint Irrigation Service for the Punjab and Sind?—There is the language difficulty, but also I think the Provincial jealousies would prevent it from being a workable proposition. (*Mr. Mullings*): And the Irrigation systems are so different are they not? (*Sir Raymond Hadow*): No, not the Sukkur Barrage. I do not say the actual assessment of revenue is the same. That I am afraid I do not know enough about, but they very largely follow the Punjab practices in Sind.

282. *Earl Winterton*: I wonder if you would permit me to ask a question, my Lord Chairman? It is perhaps rather outside the terms of the witnesses' evidence, but as we have two very distinguished Irrigation Experts here, I would like to ask a question, because it is of great practical importance. The question is: Do either of the witnesses think that there is a danger of a large quantity of the irrigated land in India in the next ten years becoming useless or partly useless owing to alkaline deposits? Perhaps I may say in asking the question that I myself have seen in India and in the near East, cases of land which ten years ago was bearing excellent crops. For instance, I was the guest of a very distinguished military officer at Dera Ismail Khan in 1927, and he showed me land that had been bearing excellent crops and was now full of alkaline deposits; and I have been told, through official channels, that there is danger in some parts of India that the irrigated land might be of very much less value in a few years time unless very great care is taken over this question. Could you give us any information upon that point?—My personal opinion is that practically none of the damage which is done by the canals is incurable; it is a matter of money.

283. And I suppose it is also a matter of research and of interchange of expert opinion between districts and the Provinces?—Very greatly. We have proved that you can reclaim it.

Lord Hutchison of Montrose: You have got the same thing in Egypt which has been counteracted by very vigorous drainage off of land once it is flooded.

284. *Chairman*: Do either of you gentlemen desire to say anything in conclusion?—No.

Chairman: Thank you very much. Then I should propose to the Committee that we ask these gentlemen to withdraw.

RECORD C3 (*continued*)

II

FORESTRY

[27TH APRIL, 1934.]

I.—Memorandum by Sir Alexander Rodger, O.B.E.

Forest Policy.—Looking at this from an Imperial point of view, it has been very well laid down in Government of India Circular No. 22F. dated 19th October, 1894. "The sole object with which state forests are administered is the public benefit" (para. 2).

Recruitment.—Please refer to the Report of the Indian Statutory Commission, Vol. II, page 288, paragraph 330. "It is a matter of great moment both for the Revenues and for the contentment of India that this asset should be prudently developed and skilfully exploited." "We very much doubt whether India is yet in a position to find all the personnel which it requires to maintain the administration of these two departments, both of which demand not only the highest technical knowledge but the most resolute administrative zeal." See also quotation from the Linlithgow Commission in the same paragraph.

I am in favour of recruitment being carried out by the Government of India, on behalf of the provinces, because:—

(1) Provinces, with the small numbers which they will require, cannot hope to have as wide a field of selection as the Government of India recruiting for the whole of India.

(2) If higher training, which has begun at Dehra Dun, is to go on in India, it must all be carried out in one place. Provinces cannot possibly have their own training centres.

(3) If provinces fix their own rules for recruitment and their own scales of payment without regard to other provinces interests will be conflicting and the best men will pick and choose. See what has happened in Burma where a high scale of pay has been fixed which it is unlikely the other provinces will ever be able to pay. The method of recruitment for Burma has I believe been satisfactory, but the case with the smaller forest provinces may be very different.

(4) The Government of India obtains its men for the Central Research Institute at Dehra Dun and for the Andamans forest department from the provinces, on deputation. This is the best method because

(*a*) It gives a wide field of selection.

(*b*) Experienced suitable officers can be chosen.

(*c*) Men who prove unsuitable can be sent back to their provinces.

It is therefore desirable that the Government of India should have some say in the selection of officers for the provinces.

Centralisation.—I advocate a certain amount of control from the centre on the following grounds:—

(1) *The welfare of the people.*—See para. 129, Vol. II, of the Indian Statutory Commission's Report, page 109. And, apart from the backward tracts, there are thousands of small remote villages whose welfare depends on good administration of the forests.

(2) *The development of scientific administration,* and marketing, research, and education, can never be carried out properly by provincial Governments acting alone.

(3) *The Service.*—The weakening of the controlling staff cannot fail to react unfavourably on the welfare of the forests. The great traditions of a very successful All-India service will disappear and the outlook will become narrowed. Transfers of higher officers between provinces, and consequent co-operation will become difficult or impossible.

RECORD C3 (*continued*)

II.—Consultation between the Committee and Sir Alexander Rodger, O.B.E.

[27TH APRIL, 1934.]

285. *Chairman*: Sir Alexander Rodger, you are good enough to come here to-day in order to give this Committee the benefit of your views and advice in the matter of Forests in India. I think you understand the arrangements for the consultation to-day. They are that the Committee reserves its discretion as to whether your Memorandum and whatever may be said to-day in committee by Members of the Committee, or by yourself, shall or shall not be laid before Parliament in due course. I think some of my colleagues—unless you desire to make a statement or to amplify this Memorandum at this stage—might wish to ask you one or two questions? —No, I do not want to say any more at present.

286. *Archbishop of Canterbury*: I am very ignorant, of course, of the actual procedure. Perhaps Sir Alexander could inform some of those like myself, who are not familiar with Indian Administration, first in the existing practice, in the Forestry Service, at what stage is the appointment in the hands of the Government of India now directly. At what stage are appointments made by other authorities lower down?—There are two Provinces, Burma and Bombay, in which, since about 1923, they have appointed their own Forestry Officers, because what at that time was called the Indian Forest Service was placed under the charge of an Indian Minister, from about 1923, so that those Provinces have had their Departments in their own Provinces under their own control.

287. *Marquess of Reading*: Are not those the only two Provinces in which the transfer was made at that time?—Yes, but the Government of India (I may mention that I was in charge of the first recruiting examination which we had in India for the Indian Forest Service for the remaining Provinces) up to this date keeps control especially of the higher administration of most of the other Provinces, of which there are six or seven.

288. *Archbishop of Canterbury*: What do you call exactly the higher administration? What are the Officers?—It is in this way: In a large Province, like the United Provinces, there are four who are called Conservators, who are the higher Administrative Officers, and in a small Province, like Bihar and Orissa, there is one Conservator. Those are what we call Administrative Officers, and it is the business of the Government of India to decide which Officer shall be moved from one Province to another in the interests of the Service.

289. Does that apply to the Provinces which are already controlling the Forestry Service?—No. Bombay and Madras, being separate Presidencies, for a very long time past, have had their own lists. There are no transfers now between Burma and the rest of India.

290. What you would wish would be to secure that in every Province, at any rate, all higher Officers of the Forestry Service should be recruited and appointed by the Secretary of State or by the Government of India, as the case may be?—I should like to see that. For the reasons stated in my Memorandum, I should like to see that the Government of India retained a certain amount of control of the recruitment of Officers to the Indian Forest Service.

Marquess of Salisbury: Do you mean the Government of India or the Secretary of State?

Archbishop of Canterbury: It is the Secretary of State in the White Paper.

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291. *Marquess of Salisbury*: I wish to know which Sir Alexander meant. (*To the Witness*): Which is it?—The Secretary of State has been accustomed to recruit the Officers for the higher ranks of the Indian Forest Service for many years past, and it has been a satisfactory arrangement. I think it would be perfectly sound if it were continued; but, on the other hand, the Government of India have, since about 1928, I think it was, recruited their own Indians in the country itself, and it would probably be inadvisable now to do away with that arrangement. That is three Indians out of four recruits.

292. *Sir Austen Chamberlain*: Out of four officials?—Out of four recruits, three have to be Indians and one has to be a European.

293. But a little time ago, when you were asked what you meant by the higher ranks, you referred to Conservators?—That is what we call the administrative ranks after they have had a number of years' service; gazetted ranks I should have said.

294. *Archbishop of Canterbury*: Then would you alter the arrangements now existing in Bombay and Burma and bring these into line with the other Provinces?—I am doubtful if you can do it now.

295. Have you any view as to the effect upon these Provinces, Bombay and Burma, of the existing arrangement as contrasted with that which obtains in the other Provinces?—We must look at that from two entirely different points of view. Burma, as a Forest Province, is in a class by itself. It has got 150,000 square miles of forest out of a total for India of a quarter of a million, roughly, so that one cannot consider it in the same way as any other Province, and, therefore, having had until recent years a very large revenue and a very large surplus, it has employed a large and important Forest Service of its own, so that it has been able to recruit on an adequate scale for itself. But Bombay, I think, is in a different category. I should say that Bombay has made a mistake in not recruiting sufficient gazetted officers since the transfer in 1923.

296. I wonder if you can tell us rather more precisely (of course, it is all so familiar to you) what officers are included in the phrase "gazetted officers," roughly speaking?—There are two classes of Officers; the Indian Forest Service and the Provincial Forest Services. The Provincial Forest Services are men recruited in the country, sometimes promoted from the lower subordinate grades, and sometimes directly recruited and trained in India. The Indian Forest Service was formerly entirely trained at Cooper's Hill, and has been of recent years partially trained in India at the Indian Forest Service College at Dehra Dun. Those two services we understand by gazetted forest officers.

297. Both services?—Yes.

298. But at present, except in the Provinces of Burma and Bombay, the whole of the Indian Forest Service is recruited by the Government of India and appointed?—The Secretary of State, I understand, when asked to do so—it has not been done so recently, but for a while one in four was recruited in this country.

299. *Marquess of Salisbury*: And even the ones that were recruited in this country were recruited on the authority of the Secretary of State?—I think so, yes.

Mr. Butler: That is so, yes.

300. *Archbishop of Canterbury*: Then, when you say that in Bombay you think that they do not recruit enough gazetted officers, what exactly does that mean?—Bombay has an area of about 15,000 square miles of forest under the Forest Department, and a total staff of 3,600 forest officers

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including gazetted officers and subordinates; and as far as I am aware Bombay have since 1923 recruited very few officers indeed, so that I should think in that long period of 11 years it is probable that they have not now sufficient supervising staff, with the consequent absolutely certain deterioration of the forests.

301. Is that for reasons of economy?—It is for reasons of economy largely, yes.

302. Is the proportion very much larger in the Provinces where the Forest Service has not been transferred?—The proportion of gazetted officers is higher I think, and Bombay has one of the largest total staffs. They only have I think about 50—I am subject to correction in this figure—but I think at present they only have about 50 gazetted staff, whereas Madras have about 90 and Burma about 190 and even a smaller province like Bengal has 35.

303. *Sir Austen Chamberlain*: The lack of recruitment in these ten years has been out of all proportion in the gazetted staff?—I should say so, yes.

304. *Lord Eustace Percy*: The Bombay Forests have always been very much less remunerative than the Madras ones, have they not?—They made a profit in 1932 of 16 lakhs, which is not bad for these modern days, and in 1926 they made a profit of 33 lakhs.

305. *Archbishop of Canterbury*: Your view would be that what you say about Bombay indicates that there might be a disposition, in the Provinces, if the appointment and recruitment was not kept largely in the hands of the Secretary of State, to understaff the service?—Yes, or to promote from the subordinate ranks people who were not sufficient expert.

306. *Sir Reginald Craddock*: Might I intervene with a question that might make it a little clearer. Your gazetted officers, really, are those who are selected either by original appointment or by promotion, to fulfil certain duties?—Yes.

307. And those men know there is a system of conservators or deputy conservators?—Yes.

308. Or otherwise more commonly called forest divisional officers, are they not?—A divisional officer is a territorial designation.

309. But that is the charge they hold, they hold charge of the Forest Division?—Yes.

310. And for that hitherto the Indian Forest Service, which was an All-India Service throughout, was recruited from England, and then there were the promoted men who were known as extra Assistant Conservators or extra Deputy Conservators, who were promoted from what you call the Provincial Service?—That was a fairly recent development, Sir Reginald, if you remember. That is being done now, yes.

311. It is the case, I think, that latterly most of the recruitment has been done in India?—Yes.

312. And there have not been so many sent from England as formerly —Very few.

313. I just wanted to bring out that fact, that the higher Indian Forest Service filled all those appointments which are known as Forest Divisional Officers, that is to say an officer who is in charge of a Forest Division?—I may remind you perhaps that Provincial Forest Officers were frequently in charge of the smaller forest divisions.

314. Yes, but those were known originally as extra Deputy Conservators or Extra Assistant Conservators?—Yes.

315. *Sir Austen Chamberlain*: May I ask would they have been trained at the Dehra Dun College?—Yes, they were.

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Sir Austen Chamberlain: What becomes of the Dehra Dun College under the White Paper? I do not know whether I ought to put that question. Perhaps the Under-Secretary could say.

Mr. Butler: The Dehra Dun College will continue in the future to do useful service as it has done in the past. I do not see myself that the terms of the White Paper will alter the future usefulness of the Dehra Dun College.

316. *Viscount Halifax*: I suppose the main function of the Dehra Dun College will be to continue central research, the results of which will be available to all the Provinces?—That is the Institute. We have three quite separate subdivisions. I had two colleges and one Institute there, but the college is not the same as the institute.

Sir Austen Chamberlain: May we get clear exactly what will be the function of the College?

317. *Marquess of Reading*: I really only wanted to get from Sir Alexander a little explanation with regard to Dehra Dun which may be useful to other members and will certainly be useful to me. You have there a college and you also have a central research Institute, have you not?—Yes.

318. They are separate Institutions?—They are under the same officer, and some of the staff do work for both.

319. Then in the College, is the College for the purpose of training persons who will become officers?—There are two colleges. May I explain that? There is a College for the subordinates, which has been going for a long time in Dehra Dun and we have been accustomed to train the rangers, that is the higher subordinate branch at Dehra Dun, since about 1870, not only for many of the Provinces of India, but also for places like Kashmir. In fact of recent years Kashmir and one or two other States have been the mainstay of this subordinate college. Then a few years ago we started a separate college for the training of the gazetted officers or the recruits for the Indian Forest Service. At that time recruitment in India was done by the Government of India and the men were all sent to Dehra Dun. I think if I may say so one cannot see a future for this College established for the training of the gazetted officers if the Provinces can do what they like in the matter of recruitment.

320. And obviously it would be impossible for the Provinces to run their own individual colleges?—Absolutely impossible. There is one in Madras now, for subordinates, but I am not sure that they are very pleased with it.

321. Then would you tell us about the Central Research Institute, just to give us a little idea of what functions that performs. Is it for All-India research?—The Central Research Institute is entirely financed by, and is the property of, the Government of India. The staff is recruited, as I have noted in my Memorandum, by getting the most suitable officers from every Province in India as may be most convenient for the Provinces and for the Government of India. A few years ago the Government of India built and established a very large Research Institute which is now in being, and they undertake forest research, which is by far the greater part done on behalf of the Provinces, because the Government of India, as a forest owner itself, is really not very important because the only forest of any importance that it runs directly is in the Andaman Islands; but the Provinces have no say in the management of the Research Institute because they do not subscribe to it; the money provided for the Institute is entirely Imperial, I believe.

322. *Marquess of Salisbury*: When you say "Imperial" do you mean British?—The Government of India.

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323. *Marquess of Reading*: As I understand, it is largely because of your views as to the importance of having one training centre for the benefit of the whole of India that you make your observations with regard to the desirability of the Government of India having some control over the officers?—That is my view.

324. *Mr. Davidson*: May I interpose a question: Does the Dehra Dun Training Establishment cater at all for the Indian States?—Yes.

325. *Marquess of Reading*: Requests are made to the Government of India to allow an officer to go?—We used to be delighted to take anybody who would come who was qualified.

326. *Archbishop of Canterbury*: You say for these reasons which you put before us you want still to retain some measure of control by what we may call the Centre over Provincial administration of the Forests. Could you indicate a little more clearly what you mean by "some control"? It is a very wide phrase?—The Government of India has always, up to date, had an Inspector-General of Forests, and it has been from time to time, I believe, proposed that this officer should be abolished. I had the honour of occupying that position for about five years, and I am convinced that it is an essential post which should be retained if the Forests of India, which are a very important State property, are to remain in good order. I may give you one or two examples perhaps, with your permission. One of the most technical and important things in working the forests is the preparation of working plans, and in the course of my duties I was touring in several Provinces and had an opportunity of seeing the new working plans which have been made in these Provinces. It was perfectly obvious in, at any rate, two Provinces which I can call to mind that the local officers would find outside help and guidance of the greatest value.

327. *Marquess of Reading*: When you speak of the Government of India having some say in the selection of officers, I am not quite sure whether I am quite right in understanding what you mean. It is not merely the right of advice that you want there. When you say that they should have some say you want more that a right of advice. Is not that what you are suggesting?—Do you mean in recruitment?

328. Yes?—I think the only sensible way would be for them to recruit for the Provinces with perhaps some advice from, and co-operation with the Provinces.

329. To a certain extent it must be so, must it not?—I think so.

330. Because where the Provinces have not had control before of the Forests it has all been in the hands of the Government of India?—Yes; the revenue has been Provincial and the administration of recent years has been to a considerable extent Provincial, but the Government of India have had a certain amount of technical control.

Marquess of Salisbury: Will you go a little further, Lord Reading, and see what that control means?

Marquess of Reading: Yes, it is just that which I do not quite understand.

Marquess of Salisbury: Nor do I.

331. *Marquess of Reading*: You will understand the only reason I am putting this to you is because we all want as far as possible to follow what you are saying. You have had this very great experience, and we want to get the benefit of it. When you say "control", it is one thing to advocate that they should have a voice, and I will assume from what you have said, the voice in the selection of certain officers?—In the recruitment?

332. Yes?—Yes.

333. That is one thing that I gather you would advise?—Yes.

334. But when that has been done do you recommend that there should be further powers of control in the Government of India? The recruitment is one thing, but the administration is another?—May I give you a case?

335. Yes?—Bihar and Orissa is a small Province, and it has a limited number of Forest Officers, only about 25 gazetted officers, and it has one Conservator. If a man becomes senior enough, he may become the Conservator of Bihar and Orissa and stay there for 20 years with, I think one must recognise, no great amount of experience except in his own small Province, and he would not improve as an administrative officer ought to. Under the present system the Conservator of Bihar and Orissa might be transferred to the United Provinces, or the Punjab, or Assam, or Bengal and would there very greatly enlarge his experience and become a much more valuable officer. That is one point of control. Then the point about working plans I have already mentioned to you. I think that this very technical subject should, as far as can be arranged, be under a certain amount of control by the Government of India.

336. It still leaves me in a certain amount of doubt, but I will not press it further. When you say, as you did in your last words, that there should be a certain amount of control that is still not quite clear. Do you mean by that that they should have supervision, or that they should have the control in the administration?—You cannot have a great deal of control of administration.

337. That is what I thought?—But in purely technical matters like research, marketing, education and working plans, I think it would be of great benefit for the Provinces to have this control, or guidance at any rate.

338. *Marquess of Salisbury*: By "control", you means an overriding power of the Government of India?—They have a certain amount of overriding control. As regards research, they have the entire direction. At the request of the Provinces, they take up any research and see how it should be arranged, and they also arrange for the Provinces to a considerable extent the way in which they can market their products, which can be done much better by the Government of India than by any Province. Those are two directions in which they can help the Provinces very greatly without actually giving them orders.

339. *Marquess of Reading*: Of course, you changed the expression (I am not saying it in criticism, but really so as to understand) just this moment; when you said "control", you then said "or guidance"?—That is a better expression, I think.

340. That is what I was going to suggest?—It is more modern, is it not?

341. What I gather from the last observations you made is that you meant that there is in the Central Authority greater power of concentrating knowledge as to the effect of research, and consequently you want the Central Government to have the advantage of giving that to the Provinces which the Provinces are not in the same position to acquire for themselves?—That is what I mean.

342. Exactly how it is to be done, of course, you do not say, but you do want the Provinces not to be shut off from the Government of India?—Exactly.

343. Which has this advantage of the general knowledge which has been acquired?—Yes.

344. *Sir Austen Chamberlain*: I do not know whether you would think it proper for me to put this question, my Lord Chairman, but Sir Alexander spoke of the kind of valuable assistance which came from the present

control or guidance. He illustrated that by "marketing". What does the Government of India do for marketing?—At present?

345. Yes?—The Government of India have a Timber Advisory Officer in the office of the High Commissioner for India, and this officer will take up any point for any of the Provinces that he is asked to do.

346. It is not what in terms of modern English politics we call a marketing scheme—a general control of marketing?—No; it is not a marketing scheme.

347. *Marquess of Lothian*: Sir Alexander, I am still not quite clear about the first stage of this, the recruiting. Is it your suggestion that all officers who will go to the senior positions should be recruited and trained by the Government of India, that the Provinces should have to select their officers alone from that pool, and should have no power of selecting officers except from people who are certified as having passed the necessary examinations, and having the necessary qualifications?—I think that is desirable.

348. In other words, the Government of India would be the training organisation, but the Provinces would select from that pool such officers as they thought fit?—As had been done until the Indian Forest Service College was closed down quite recently.

349. And I understand while the admistration of the Provinces through such officers would be Provincial, some organisation whereby on technical matters the Provinces should be kept in touch with Dehra Dun should be established?—Perhaps with the Government of India; I will not say with Dehra Dun.

350. That would almost invariably be voluntary rather than control?—Yes, but it might be under the control of some sort of Board. We had until recently a body which was called the Board of Forestry, which consisted of a Forest Representative from every Province, and was summoned from time to time as necessary, and their discussions were almost entirely technical.

351. That body should have put in front of it (I do not know how you could make it compulsory) the plans for forest development throughout the whole of India, to comment upon them?—That might be done as far as the Provinces would agree. That was done to a certain extent before recent developments.

352. That is just the point, can you do that?—Yes.

353. *Marquess of Zetland*: Sir Alexander, with regard to the College at Dehra Dun which trains the gazetted officers?—May I say I am afraid it is closed now. It was open until a year or two ago, but, owing to the present position in which the Provinces are, awaiting instructions or knowledge of their position, there have been no candidates, so the Indian Forest Service College has had to be closed, I believe. I know that in the last year of its existence there were only two students.

Mr. Butler: May I just say that the reason for the temporary closing of the College is retrenchment and the slump in timber prices which has naturally affected the whole of the Forestry of India. Recruitment for the Indian Forest Service has been temporarily suspended since 1931, owing to the slump in prices and the depression, which has naturally affected the position of the Dehra Dun College.

354. *Marquess of Zetland*: There is only one other question I would like to ask Sir Alexander, and that is with regard to the cadre of Forest Officers in Bombay, which is a Province in which Forestry has been transferred. Have they a regular self-contained cadre of Forest Officers in Bombay?—Yes.

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355. They do not recruit by contract for particular posts?—The only post which I can think of at the moment which was recruited in that way was a forestry engineering post, but that is not done now for anything so far as I am aware. There were one or two posts of Forestry Engineers.

356. That being so and there being a self-contained cadre in Bombay, does that mean that the Conservator in Bombay must be appointed from the Bombay cadre?—Yes.

357. It does?—Yes.

358. Even though there may not be a man who is really fit to fill the post?—They have had men so far. There is a Chief Conservator and three or four Territorial Conservators in Bombay, so there is a large administrative staff there. They have a Chief Conservator, and under him he has either three or four Conservators.

359. Do you happen to know whether those posts are filled by Indians or by Europeans?—At present, I think they are filled by Europeans. I do not think there are any Indians senior enough. I have not seen the Civil List for some time, but I do not think there are any Indian Conservators in Bombay at present. There are in Madras.

360. Can you tell us whether, since Bombay started on its own, they have been recruiting Europeans, or whether they have been recruiting Indians?—I think there has been hardly any recruitment at all, and, to the best of my knowledge, I think about two Indians have been recruited and no Europeans; but I will not be perfectly certain about that.

361. That is since 1923?—Yes.

362. Will not the cadre become very much depleted if they never recruit?—That is what I believe.

Marquess of Zetland: What is to be the remedy?

363. *Chairman*: Do you feel able to speak with confidence about these matters of detail which have taken place since you left?—No; I left nearly four years ago.

Marquess of Zetland: I will not press it, but I think it is not a matter of detail. If every Province is to have a self-contained cadre and they cease to recruit, I do not see what is going to happen to the Forestry Service of India; but I will not press that.

364. *Marquess of Salisbury*: When did you leave India, Sir Alexander?—Three-and-a-half years ago.

365. Up to that time, within your knowledge (I am not speaking of anything which you do not know) was the recruiting going fairly well?—Yes.

366. Was recruiting to the Forest Service popular in India?—Yes.

367. Among both Europeans and Indians?—There were no Europeans recruited in India. The Europeans were recruited at home.

368. Of course they would be, but you would know that, of course, being a very important person, if I may say so, in the Forestry Department: Was the Forestry recruiting in England popular?—Yes.

369. And it all worked quite well?—Yes.

370. And this arrest of all recruiting has taken place since you left India?—Yes.

371. You were surprised when the Under-Secretary of State said that it was merely due to economic reasons?—I recognised that that was part of the reason.

372 You thought it was part of the reason?—That is what I thought.

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373. Was there any other reason besides that?—I had an idea that the Provinces were waiting to see what would be the outcome of the present deliberations, but I may be wrong about that.

374. At any rate, that was a view which many gentlemen who have great experience of India would have held at that time?—I think so.

375. *Marquess of Salisbury*: I suppose the administration of the Forest Department presents a certain amount of difficulty on the side of public feeling. Are not there difficulties of people who complain that the grazing facilities in India are limited by the Forestry Department?—Yes.

376. And does that occasionally create a certain amount of friction in the administration of the Forestry Department?—It depends a good deal upon the political feeling in the Provinces. For instance, a few years ago, in the Central Provinces, there was a good deal of trouble in that way, and at the time of the trouble in India, I think it was in 1920, there were a great many incendiary fires in certain of the forests in India.

377. To what did you attribute those fires?—Political unrest, I think.

378. And connected with the grazing, was it?—Partly.

379. The grazing being, of course, part of the difficulty in India and the cattle?—Yes.

380. The religious element comes into it?—I do not know that the religious element comes into it. The Indian villager keeps a large number of cattle and he wants enough grazing for his animals.

381. At any rate his feeling is sometimes in conflict with the wishes of the proper administration of the Province?—Yes. On the whole, of recent years, there has been very little trouble.

382. But at the same time he would have a certain temptation in that direction, would he not?—Do you mean to graze where he is not allowed to, and so on?

383. Yes?—Yes, there is a certain amount of temptation.

384. What would be of importance to know would be whether these elements of friction, to which we have called attention, exist more or less in Bombay, where the forests have been transferred, than they do in the rest of India?—Are they more operative in Bombay, or less operative?—I do not think so, not to my knowledge.

385. Of course, you have naturally and very properly a very high opinion of the enormous importance of the value of forests in India?—Yes.

386. Do you think that there is any risk, by slack administration, of their deterioration?—I do.

387. And do you anticipate that there may be slack administration in the future?—I think in certain provinces it is quite a possibility.

388. You have not formed any definite opinion upon it? Do not answer if you do not wish to; I do not want to press you, of course?—I think there will be a danger in the smaller Provinces of the Forestry administration becoming less efficient than it is at present.

389. *Sir Austen Chamberlain*: A small Province cannot in the nature of things be efficient, it could not have a large enough staff?—If the recruiting is entirely on their own, they cannot hope to recruit as efficiently as if they were combined with some others.

Sir Austen Chamberlain: That is what I understood.

390. *Marquess of Salisbury*: You have answered to some extent this question, I think, but what power in the future should actually be retained by the Central Government? First of all there is what you have told us, recruiting, that is to say, all senior officers should be recruited centrally?—Yes.

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391. When you say "centrally" do you mean under the control of the Government of India, as it will be then, or under the control of the Governor-General, or of the Secretary of State? Which of the three? There are the three things we always have to have before us in this Inquiry. There is the Central Government as represented by the new Constitution, the Ministers, then there is the authority of the Governor-General himself and then there is the authority of the Secretary of State, the two last being very nearly allied. When you say you want the recruiting in the hands of the Central Government, which of those three do you mean?—The Governor-General in his discretion.

392. Then the same authority would control, would he? From time to time there are questions of deforestation in India?—Yes.

393. As to whether that should take place or not would be a matter for the Governor-General?—I should like to see that power retained.

394. And I think you have already said that you think the central inspection ought to be retained?—Yes.

395. All these things should be matters for the Governor-General?—Yes.

396. *Lord Rankeillour*: Sir Alexander, how many of the Provinces, or perhaps all, show a surplus on their working of the forests?—You are aware of course that we have had a slump in the Forest Department in India recently, just as in every other trade, but in 1932 there was only one which showed a deficit out of my list of about ten or eleven.

397. *Lord Eustace Percy*: Is that 1931 to 1932?—1931 to 1932, I think. They all showed a small profit.

398. *Lord Rankeillour*: Then the revenue from forests is a very important part of the revenue of those Provinces?—Very, yes. There was in 1926-27 or 1925-26, a surplus of 263 lakhs.

399. And you are afraid that under bad administration that revenue might fall off?—Yes.

400. Do the Forestry Department do all the operations themselves or are there any cases of concessions or leases to individuals?—There are many leases.

401. Does that work as well as direct operation?—Yes. Besides, we have not the staff to work it all ourselves.

402. If there were deterioration of the staff, these leases and concessions to private individuals would very likely increase. It is the easiest way of doing it, I suppose?—There is no objection to leases increasing if they are properly supervised; none whatever I should say.

403. Do you think that there is any danger of those leases in the future being rather casually granted on private solicitation?—Yes.

404. Now, when you were Inspector-General and you found anything wrong or slack, what measures did you take to put it right?—It was largely a personal matter.

405. You had to make private representations?—I used to go round on tour, see the forests with the men and write a note for the Government of India which they sent on with their remarks to the Province concerned.

406. But if the Province did not take notice of it, had the Government of India any means of compelling them to?—No.

407. And they will not have in the future?—I do not know, that we can say that.

408. Rather less. How do you think the Central Control can be exercised in the future? Even as things were in your time it could only be by remonstrance?—There is more than that. For instance, the Government

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of India can exercise a very important measure of control in research, marketing and education. That is very important indeed.

409. But, if a Province in the future showed great slackness in its administration, the Central Government would have no power, except by remonstrance, of pulling them up, would they?—I think that could be managed by the personal touch between the Inspector of Forests, if retained by the Government of India, and the local Forest Officers. It always has been so to a great extent in the past and I think it is most desirable it should be in the future.

410. But do local forest officers have to report to their Provincial Department at present?—Certainly they have, but the technical efficiency and the technical management could be modified and improved to a great extent perfectly well under the auspices of the local government on the advice of the Inspector-General.

411. But if the local government itself got slack or wished to economise on forests, no amount of advice from the Inspector-General or the Central Government would help?—It always has helped a great deal in the past.

412. Have they economised lately?—Every Province has had to economise.

413. On forests?—I am afraid so, yes, on the expenditure side.

414. Do you know of any difficulty with what is so acute a question in Cyprus, the browsing of goats?—The browsing of goats and an excessive number of cattle in certain parts are a great trial in Upper India.

415. And that resolves itself into a political question, I think you said, sometimes?—Yes.

416. *Sir Reginald Craddock*: Sir Alexander, before you were Inspector-General of Forests, you were Chief Conservator, were you?—No.

417. You were never Chief Conservator?—No.

418. But you had special work in Burma?—I was Research Officer in Burma, and then a Conservator in Burma.

419. But you had special work with reference to the commercial aspect?—Yes.

420. During the war?—Yes.

421. And you were in charge of all the timber required?—I was under the Indian Munitions Board for three or four years.

422. Therefore you have had considerable experience on the commercial side of the working of forests?—Yes, I have.

423. Do you think that it would be correct to say that the various Provinces differ with reference to the relative commercial importance, that is commercial forestry, and with reference to the agricultural demand for forest products, that is to say, for example, in the Central Provinces the supply to the whole of the agricultural population is one of the chief aspects. The commercial forests are comparatively limited. While in Burma there is so much forest and waste available for the people, that the commercial side of the forests is by far the most important?—That is right.

Sir Austen Chamberlain: Would Sir Reginald make clear what exactly is the distinction he is drawing between commercial forestry and the supply of the needs of a Province?

424. *Sir Reginald Craddock*: There is sometimes a conflict between the commercial and scientific aspects, and the need for providing local people with sufficient grazing, fuel and small timber. A very keen forest officer might not want to sacrifice some of his scientific aims to mere concessions to the people. For example, in the Central Provinces the revenue officer was very closely connected with working plans; all working plans went through district officers and commissioners in order that they might comment upon

them and see how far they fulfilled the needs of the agricultural people, to see that the forest officer had not, in his enthusiasm for the most scientific forestry, overlooked or not paid sufficient regard to the interests of the people. In Burma, however, the working plans were strictly commercial and technical and there was so much waste available for the people that there was no such necessity?—Not everywhere, Sir Reginald, but in the greater part.

425. Yes, in the greater part. As regards those two aspects, the complete transfer of forests might have a different bearing as regards Provinces in which the commercial forests were the most important, and Provinces in which the agricultural forests, those specially required for agriculture, were most important?—Certainly.

426. Then the working plans to which you have referred always went up to, or were seen by, the Inspector General of Forests?—Yes, in the old days, always.

427. Up till when was that?—I do not know the date; I cannot give you the date, but in the early days their working plans were controlled; but then everything was very much smaller in those days and there were many fewer working plans.

428. Of course; but as regards Bombay and Madras, they were always independent as you have said?—Yes.

429. If you sent the Inspector General of Forests there they did not like him?—No, I cannot agree.

430. But if you left it to them, they invited him to help, they were very ready to seek his advice?—That is my experience.

431. Provided he came at their own instance?—That was a personal matter again, Sir Reginald, very largely.

432. *Chairman*: I did not quite gather at what point it was you disagreed. Did you disagree with some point that Sir Reginald put to you?—He said that the Madras and Bombay Governments objected to the Inspector General.

433. *Sir Reginald Craddock*: I was saying that was the usual difficulty?—There was a certain amount of friction in the old days.

434. When you have been in Bombay and Madras, has that been at your own volition, or simply at the invitation of the Governments?—The invitation was arranged for me.

435. Anyhow you did not find any more difficulty in Bombay and Madras in getting your views listened to by the Governments concerned—no more difficulty there than in the United Provinces?—Not the slightest.

436. So that although they had their own staff there it was still useful to have the Inspector General of Forests to come and advise the local governments?—They were very pleased.

437. I wanted to bring that out because I wanted to get your concurrence in the importance to the local governments, especially local governments such as Bihar and Orissa, of having some outside advice available to them?—That is what I am very strong about.

438. Now, as regards education, most provinces have their own educational institutions and schools?—Only for the lowest grades.

439. That is for rangers?—No, not for rangers, lower than rangers.

440. Foresters?—Foresters.

441. But have you no rangers who go through some course there? You have got a good many rangers who will be promoted men and do none of the forest schools nowadays give some teaching to rangers?—They were going to begin in Bengal; they were talking about it, but up to date, I

believe, the only two schools for rangers are one at Dehra Dun and one at Coimbatore in Madras, as far as I remember.

442. You have one in Burma?—Yes, another in Burma, of course, a very good one there.

443. With this complete lull in recruitment for the Indian Forest Service, is there not considerable risk that rangers who are not quite up to the work will have inevitably to be promoted and to assume charge of forest divisions?—If they are promoted to the Provincial Forest Service; I believe that has actually happened in one or two cases already.

444. Of course it is more likely to happen when you get a hiatus in the recruitment of higher forest officers?—Yes.

445. Do you find, or did you find, that the Indians with the highest qualifications and general education and so forth were as keen upon entering the Forest Service as other Services in India?—No, I would not say that, because few of the educated Indians, whom I have met, had a real liking for the life.

446. I mean there is a distinct tendency among those graduates of universities, and so on, for a more sedentary life than is afforded to them in the forests?—Yes.

447. But at the same time among your students at Dehra Dun had you got some really first-class men too?—Yes, a few.

448. Have you been able to watch the careers of any of these Dehra Dun men?—That College was started under me and they were just leaving when I left India. Very few of them had gone into the regular Service when I left, so I could not really say anything about that. I have not been able to follow their future careers.

449. I wondered if in the course of touring the Provinces you had been able to see how these men had come up?—Some of them were beginning quite well.

450. Sir Peter Clutterbuck was one of your predecessors?—Yes.

451. He was fairly enthusiastic about his men when he gave evidence before the Lee Commission, and I wanted to know from you whether in your experience the class of candidate has improved?—They have improved, I think.

452. Were you out in India during the Civil Disobedience Movement?—I was in Burma. It did not bother us.

453. Not in 1931-2?—No.

454. Where were you in 1931-2?—I had retired.

455. You retired just before then?—Yes, I retired in 1930.

456. In the original Civil Disobedience Campaign in 1921, you were in Burma?—Yes.

457. As regards British recruitment you say before the Dehra Dun College was closed that had diminished considerably?—It was 25 per cent.

458. But was that 25 per cent. ever reached?—I think it was until 1930. They had rather intricate calculations adjusting one year against another.

459. In the matter of Conservators, when the Conservators were sent from other Provinces by the Government of India, directly they came under the local administration they were just part of the ordinary machine. The Government of India had no further intimate control over their work?—That is correct.

460. That was entirely Provincial?—Yes.

461. When you spoke of guidance or control it was very largely guidance all along?—Yes.

462. The control consisted merely in the selection of Conservators, research, and a certain amount of guidance over working plans?—Yes, and education.

463. Would you say that was a correct description of what it used to be?—Yes; in the old days the Inspector-General had to sanction the working plans for the whole of India.

464. But now he merely gives some advice on them?—Yes.

465. And it rests with the Local Government whether that advice is accepted or not?—Yes.

466. *Mr. Davidson*: Sir Alexander, there are large forests in the Indian States, are there not?—Yes, two or three of them. Some of them have very good forests.

467. Is it the case that in some cases the boundary between a particular State or States and the British Indian Province runs through a mutual forest?—Yes, I believe it is.

468. Were you ever invited to go to any State?—I did a long tour in Kashmir at the request of the State Government.

469. I think in answer to a previous question you said the Indian States had taken advantage of the Dehra Dun Training Colleges?—Very largely.

470. Do they also ask the Research Institute to undertake any research on their behalf?—Yes.

471. Did they ever submit working plans or ask for advice?—They asked for advice about any technical thing. The Government of India's Institute and College are only too pleased to help them in any technical matter which may come up.

472. *Lord Hardinge of Penshurst*: Sir Alexander, there is only one question I wish to ask you: Since Bombay and Madras have been separate from the supervision of the Forest Department, did you find that there had been any serious deterioration in the forests?—No, Sir.

473. None?—No.

474. Was that due, do you think, in any way, to the fact that there was a considerable European element in the cadre?—Yes.

475. *Lord Hutchison of Montrose*: As regards Dehra Dun, when the recruits come in from the Provinces do they go back to those Provinces?—They do not really come from the Provinces. They were recruited by a Central Examination from the whole of India.

476. That is the present procedure?—Yes, and when the Government of India allots the students at the end of their course, as far as possible they give men who are suitable their own Provinces, but it is not always possible. We have had a Madrasi go to Upper India or a man from the Central Provinces go to Madras, which they do not like.

477. Do you foresee under the new arrangements for autonomous governments in the Provinces any change in that system?—No; I think something of the sort will have to go on.

478. *Lord Hutchison of Montrose*: To what extent in your view can Indianisation of the Service generally throughout India be carried out with safety?—The present arrangement is 25 per cent. European and 75 per cent. Indian, and I think that will have to be maintained in the future.

479. *Lord Hutchison of Montrose*: Can you foresee any direct control from the Government of India over the Provincial forests, especially when you have the commercial interests of the forests so closely bound up with the Provinces?—No.

480. Then it can only be an advisory control?—Yes.

481. In answer to Lord Salisbury you made a point that you thought that the Governor-General ought to deal with the recruitment. He might act in consultation with his Ministers?—I agree with that. I think that is perfectly sound.

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482. *Major Attlee*: Sir Alexander, have you had any experience of the working of the Forest Punchayet system in Madras?—Not personal experience.

483. It has worked well, has it not?—Some of it has been successful, yes.

484. In regard to reconciling the interests of cultivators and farmers?—Yes, village management.

485. Would you tell me this: In the consideration of working plans in your time was there liaison with the Irrigation Authorities? The cutting of Forests in one Province might affect the water supply in another Province? —Yes.

486. How was that liaison effected in your time?—The touch between them was very close. In Hill ranges which were of importance from an irrigation point of view we always carefully conserved, as far as it was possible to do so.

487. Do you think there is a danger. if you do not have any central connection and allow the Provinces to manage their own forests, that there might be commercial exploitation for profit of forests in one Province which might seriously injure the water supply of another area in an adjoining Province?—That is possible.

488. How do you suggest that can be got over: by Central control of working plans?—Perhaps not Central control, but by guidance from a Board of Forestry, or something of that sort, under the Government of India. It would be quite capable of doing that.

489. Would that be a Board imposed on the Provinces?—No; it would be a representative Board; we have had one already.

490. And that worked all right?—Yes.

491. Was it a Board composed purely of Technical Officers?—Yes.

492. There was no one representing the financial interests of one Province as against another?—No; I do not think we ever had to tackle anything of that kind—at least, not in my recollection.

493. Do you think the same thing would be possible where you had the forest policy under the direction of a Minister: that these matters would be able to be settled by Technical Officers on technical considerations, without having any discussion between Ministers on the political considerations?—I think it would be always advisable for the Technical Head of the Forestry Service in the Province to be in touch with his Minister in such matters, and I think he would certainly be so.

494. *Lord Eustace Percy*: Returning to the question of recruitment for one moment: In the first place, I do not know that I ought to put this question to you, Sir Alexander, but has the shutting down of recruitment been confined to the Service in Bombay, or has it extended to recruitment over all the Provinces which are still under Central control?—Bombay, since 1923, has recruited very few indeed, I believe, and the other Provinces, owing to the reasons which Mr. Butler has stated, have, in the last few years, done very little recruitment. I think I am correct in that.

Mr. Butler: Yes. It is recruitment of the Indian Forest Service, as a whole, which has been suspended.

Lord Eustace Percy: Therefore, when Mr. Butler said economic reasons were the reasons for the suspension, he was not talking merely speculatively as to what he believed to be the reason of the Bombay Government, he was talking as to what was actually the reason of the Government of India.

Mr. Butler: Yes, for the suspension of recruitment to the Indian Forest Service.

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495. *Lord Eustace Percy*: At the present moment recruitment to the Forest Service in India is carried out by the Governor-General. How is that done? On the advice of the Central Public Services Commission?—The Central Public Services Commission holds the examination; as a matter of fact, I held the first examination, and they took it over afterwards.

496. And you would propose, naturally, that if Central recruitment continues, it should still be through the Public Services Commission?—Yes.

497. In England would you propose that the recruitmtnt of English personnel should be carried out by the Secretary of State?—Yes.

498. By the Secretary of State?—Yes.

499. That is the case at the present moment?—There is a very parallel case in the Colonies, where the Secretary of State for the Colonies carries out the recruitment. It happens that I have been Chairman for their recruitment for a couple of years.

500. *Marquess of Reading*: I suppose that is at the request of the Dominion concerned?—Of the Colonies.

501. *Chairman*: Is not that for the Crown Colonies only and not for the Dominions?—Yes; I think it is for the Crown Colonies only.

Marquess of Reading: That makes a difference.

502. *Lord Eustace Percy*: One other point on the question of control: Do you know what the actual position is with regard to the forests in Bombay to-day? The Forest Service in Bombay has become a Provincial Service?—Yes.

503. But are the forests, as property, vested in the Provincial Government?—Yes.

504. They are?—Yes.

505. The Government of India retains no ownership in them?—No.

506. *Viscount Halifax*: There are only one or two things I wanted to ask Sir Alexander. What you say in your paper and what you said this morning with great force may really be summed up, may it not, in saying that what you are concerned about for the future really falls under the three heads of management, recruitment, and research? Would that be a fairly true summary of your general feeling?—Yes, I think so.

507. And that, as regards research, the Committee need anticipate no particular difficulty, because, on the assumption that the research part of Dehra Dun will continue, that will cover the research field, and the results of that work will be available for all Provinces?—Yes.

508. With regard to management, and by management I mean working plans, administration, and the technical side of forest working, I suppose it would be true to say, would it not that the key to that is really getting the right man as Conservator at the head of the Provincial Forest Service?—Yes.

509. Therefore, the problem before the Committee very much revolves round the question on which you have laid a great deal of emphasis, namely, the question of recruitment?—Yes.

510. Now, having regard to the present position in the Provinces, where the transfer has taken place, would you anticipate that there would be difficulty in attempting so far to reverse that system as to place recruitment entirely under the Government of India or the Governor-General, without reference to the Provinces, with a scheme of general Provincial Autonomy in being?—In answering that, Sir, may I refer as I did before to Burma and Bombay separately? Burma has at the present moment about 200 out of 630 of the gazetted staff of the whole of India, so that it is in a very different position from any other Province; and I think that

Burma is fit and is quite capable and should be allowed to recruit its own officers; but I think it would pay Bombay and I think it would pay every other Province in India to come into some unified system of recruitment.

511. What I really had in my mind was whether you could develop a little bit the idea that you suggested in answer to one or two questions of the possible use that might be made of this Board of Forestry? Do you think, pursuing what you said just now, I think in answer to Lord Hutchison, that it was very difficult in view of present circumstances to conceive a system of direct control over Provinces it would be possible to conceive a plan by which the advantages of wider recruitment could be made clear to the Provinces and with their general assent this Board of Forestry could be utilised as a body in which the Provinces would feel that they had their part to advise the Central Recruiting Agency under the Government of India? Would you think that might be a plan of meeting the natural *amour propre* of the Provinces and at the same time do what you deem to be of importance, namely, secure some central machinery for recruitment?—Yes. I may say the Board of Forestry has been accustomed to meet every three or five years to discuss purely technical matters between Provinces, and has not as far as I remember dealt at all with recruitment; but the suggestion you make appears to me to be a very good one in this way, that the Provinces could co-operate very well and put their views together as regards the methods of recruitment and the control of the education of the higher grades after recruiting, and the allotment of the various recruits, when trained, to their Provinces. I think that might be very well and efficiently done by some Board of the nature that you mention. We have had, and I have always sat, since recruitment was started in India, on the Selection Board, and this Selection Board might possibly and suitably be appointed by the Board of Forestry, and they could advise the Public Service Commission, who carry out the examinations, in regard to forestry recruitment.

512. I was a little bit encouraged in that view by something you said to Sir Reginald Craddock as to the way in which Bombay, for instance, had always welcomed the technical assistance of the Inspector-General, and that if you could get over the jealousy that the Provinces might perhaps feel if they thought that something was being withheld from them, you might not find it impossible to get their quite willing co-operation in something that would be so obviously for their benefit?—I think so, yes.

513. Only one other question. Under the state of affairs that we may contemplate in the future, would you anticipate any difficulty in the Dehra Dun Institute keeping touch in future, as it has been able to do up to now, with forestry developments in foreign countries?—No, Sir, none at all; I do not think it would alter the scientific co-operation in any way.

514. *Sir Reginald Craddock*: There is one question I want to put to Sir Alexander. You have laid stress on recruiting and research, but the selection of Conservators strikes me as a difficult matter. The Provinces would, no doubt, want to select their own Conservators, and the Central Forestry Board, or the Government of India as it will be constituted will therefore have no voice in the selection of Conservators. Would you think that a difficulty?—I think it might be a difficulty, Sir Reginald, but I do not really see how it is to be got over at present. I think the Provinces would want, as you say, to select their own Conservators from the list.

515. *Lord Rankeillour*: There is one point I should like to ask. I think, Sir Alexander said in answer to Lord Salisbury, that this control over recruitment should be exercised by the Governor-General in his own right

and discretion, but when Lord Hutchison asked you something, I am not sure that what you said seemed quite clear about that point?—I think the Central Government, the Viceroy acting with the advice of his Ministers, should exercise control.

516. *Marquess of Reading*: What you said was in consultation with his Ministers?—Yes.

517. *Lord Rankeillour*: Should he have the right in the end to determine himself after consultation? You see, in the ordinary constitutional language here, when you say the King on the advice of his Ministers, it means in working practice the Minister himself. That is rather the crux in India, whether it would be really the Viceroy in his knowledge and discretion with or without consultation with the Minister, or whether it would be the Minister?—I think in general he would take the advice of his Ministers.

518. But he need not be obliged to?—Well I cannot answer that, Sir; it is rather beyond my province.

Chairman: By leave of the Committee I should propose, with our best thanks for his kindness in coming here, to ask Sir Alexander to withdraw.

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RECORD CONTAINING MEMORANDA AND RECORD OF CONSULTATIONS HELD BY THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM ON THE SUBJECTS OF FORESTRY AND IRRIGATION

[SESSION 1933–34]

Die Mercurii, 21° *Novembris*, 1934

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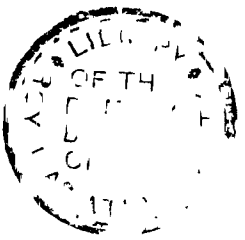

JOINT MEMORANDUM

SUBMITTED BY

THE BRITISH INDIAN DELEGATION

TO

THE JOINT PARLIAMENTARY COMMITTEE

ON

INDIAN CONSTITUTIONAL REFORM.

110151

NOVEMBER-1933

With the compliments

OF

H. H. THE AGA KHAN.

Chairman of the British Indian Delegation.

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INTRODUCTION.

1. The Memorandum in which we submit our views on the various issues raised by the White Paper scheme has been prepared in two sections. In the first section we have stated the principal modifications that should in our opinion be made in the scheme in order to satisfy moderate public opinion in India and have indicated very briefly the reasons justifying them. In the second section we have attempted to answer the chief criticisms directed against the basic principles of the White Paper proposals.

We have throughout kept in view the declaration of policy made by the Prime Minister at the end of the first Round Table Conference on behalf of the last Labour Government and endorsed by the present National Government and the present Parliament. The salient sentences of that declaration are as follows :

> "The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights.
>
> In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government."

It is in the light of this declaration of policy that we have examined the White Paper proposals. The modifications we suggest do not affect the basic structure of the scheme. They are intended to ensure that the reserved powers are so framed and exercised as not "to prejudice the advance of India to full responsibility", and to secure that the period of transition is not indefinitely extended.

PART I.

Preamble to the Act.

2. We consider that the preamble to the Constitution Act should contain a definite statement that the "natural issue of India's constitutional progress is the attainment of Dominion Status". This declaration, as Lord Irwin explained in the announcement he made on behalf of His Majesty's Government on October 31, 1929, is in accordance with previous public declarations of Ministers of the Crown and also with the directions given in the Instrument of Instructions by His Majesty the King "that it is His will and pleasure that the plan laid down by Parliament in 1919 should be the means by which British India may attain its due place among His dominions". That the expression "Dominion Status" was not used in a ceremonial or honorific sense is clear from the following extract from the message conveyed to India by His Majesty the King-Emperor, through H. R. H. the Duke of Connaught on the solemn occasion of the inauguration of the new Central Legislatures in 1921.

> "For years, it may be for generations, patriotic and loyal Indians have dreamed of *Swaraj* for their Motherland. To-day you have beginnings of *Swaraj* within my Empire, and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy."

Indian public opinion has been profoundly disturbed by the attempts made during the last two or three years to qualify the repeated pledges given by responsible Ministers on behalf of His Majesty's Government. Since it is apparently contended that only a definite statement in an Act of Parliament would be binding on future Parliaments, and that even the solemn declaration made by His Majesty the King Emperor on a formal

occasion is not authoritative, we feel that a declaration in the preamble is essential in order to remove present grave misgivings and avoid future misunderstandings.

Date and conditions for the inauguration of the Federation.

3. We consider that, following the precedent of some of the Dominion Constitutions, a definite date after the passing of the Act should be fixed by the Constitution Act for the inauguration of the Federation. We have been assured that no serious difficulty is now anticipated in the way of an early establishment of the Reserve Bank and we have also been authoritatively informed by the witnesses who appeared on behalf of the Princes' Chamber that a period of one year would be sufficient for the negotiations in connection with the Treaties of Accession. If it is feared that unforeseen difficulties might delay the inauguration of the Federation, power might be given to His Majesty's Government to postpone the date by means of a Royal Proclamation.

In making this suggestion we have in view the psychological effect of such a provision on the political parties in India. The uncertainty that must necessarily result from the absence of any definite date in the Constitution Act for the inauguration of the Federation and the possibility of further delay arising from the procedure of an address in both Houses for the issue of a Proclamation would seriously prejudice the formation or realignment of political parties in India. On the other hand we have reason to suppose that if a definite date were fixed, even the parties which are dissatisfied with the White Paper Constitution would probably cease to carry on an agitation on the present lines and would be encouraged to concentrate their

attention on the new elections. We attach very great importance to this development since the satisfactory working of the new scheme must necessarily depend on the existence of well-organised parties, prepared to work the scheme.

The Reserved Subjects.

The Army.

4. We have accepted the necessity for the reservation, during a period of transition, of Defence, Foreign Affairs, and the Ecclesiastical Department. We regret to note, however, that in spite of the insistent demands of the Indian Delegates at the Round Table Conference for greater control over Army administration and the promise contained in the Prime Minister's declaration that the reserved powers will not be so framed and exercised as to prejudice the advance of India to full responsibility, the White Paper provisions relating to the Army, so far from giving Indians greater opportunities for influencing Army policy, actually make the constitutional position in some respects worse than at present. While at present the Governor-General and his Council, three Members of which are Indians, "superintend, direct and control"* the military government of India, the Governor-General, assisted by a Counsellor appointed at his discretion, will in future solely determine Army policy. A direction in the Instrument of Instructions to encourage joint consultation between the Ministers and Counsellors is obviously no satisfactory substitute for the opportunities which the present statute affords to the Indian public of expressing its views through the Indian Members of the Executive Council. Past experience of the actual working of a similar direction to Provincial Governors as regards joint consultation between Executive Councillors and

* Government of India Act, Section 33.

Ministers justifies this statement. In Madras under Lord Willingdon joint consultation was invariably the practice, while in some other provinces separate meetings of the two sections of the Executive were the rule rather than the exception. Nor were these variations due to local circumstances, for in the same province under different Governors the practice has been different.

5. We summarise below the modifications that should in our opinion be made in the White Paper provisions relating to Defence.

(1) (a) The Army Counsellor should be a non-official Indian, preferably an elected member of the Federal Legislature, or one of the representatives of the Indian States in the Federal Legislature.

(b) There should be a definite programme of Indianization with reference to a time limit of twenty or twenty-five years, and one of the primary duties of the Indian Army Counsellor should be the provision and training of Indian officers for the programme of Indianization.

(2) The Treasury control now exercised in respect of Army expenditure by the Finance Member and the Finance Department should be continued under the new constitution. We fully recognise that in cases of differences of opinion, the decision of the Governor-General, who is ultimately responsible for Defence, should be final.

(3) All questions relating to Army policy and the annual Army budget estimates should be considered by the entire Government, including all the Counsellors and the Ministers. We again recognise that if the united Cabinet should fail to arrive at an agreement regarding the expenditure to be included in the budget, the Governor-General's decision should be final. This is the minimum that would satisfy the Indian public, especially as the White Paper scheme involves the abolition of the Governor-General's

Council, the Indian members of which have not only influenced Army policy but have actually participated in the determination of that policy.

(4) There should be a statutory Committee of Indian Defence constituted on the lines of the Committee of Imperial Defence. The Committee should consist of the Commander-in-Chief and other Army experts, the principal Federal Ministers and any other Ministers including representatives of the Indian States whom the Viceroy may at his discretion select.

(5) The cost of Defence is primarily an administrative issue but the scale of Army expenditure is a dominant factor in the financial situation and seriouly reduces the margin available for the nation-building services. Our views on this subject are well known to His Majesty's Government. We merely repeat our request that an endavour should be made further to reduce the military expenditure very substantially and that the provisions we have suggested above to ensure economy in Army administration should be given effect to in the Constitution Act.

(6) The assurance given by the Secretary of State that the Indian Army would not be employed outside India (except of course for the purpose of the defence of India itself) without the concurrence of the Federal Legislature should be given the form of a definite provision in the Constitution Act.

Other Reserved Subjects.

6. We consider that it is unnecessary to provide for more than two Counsellors for the three Reserved Departments, since the administration of Ecclesiastical affairs does not involve any appreciable work and can easily be entrusted to the Army Counsellor. We have been assured that it is not the intention to appoint more than two Counsellors but the provision for a third Counsellor in Proposal 12 has created some misapprehension in India, for it is feared that if a third Counsellor is appointed and is placed in charge of the special responsibilities of the

Governor-General, there is considerable danger of his developing into a super-Minister whose activities must necessarily take the form of interference with the work of the responsible Ministers.

Financial Safeguards.

7. In view of the great importance that has been attached at the Round Table Conferences to the sterling obligations of India and of the attempts that have been made in this country to exploit the nervousness of the investor for political purposes, we have analysed in the second part of our Memorandum in some detail the debt position of India. Three conclusions emerge from this analysis.

(1) In the first place five-sixths of India's debt is covered by productive assets, which are mainly State railways and irrigation works.

(2) In the second place the internal Rupee debt of India is nearly one and a half times the sterling debt and an appreciable portion even of the latter is held by Indian investors.

(3) In the third place a considerable portion of the Rupee debt is held by millions of small investors belonging to the upper and lower middle classes who are politically the most vocal section of the population and among whom nationalist feeling finds expression in its most intense form.

The significance of these conclusions lies in the fact that any factors that affect the stability of India's finances or its credit in England would have serious repercussions on India's internal credit.

8. We must also draw the attention of the Committee to another feature of India's debt. The total expenditure incurred by India on the Great War was £207. 5* millions or about

*The figures in this paragraph are taken from the publication "India's contribution to the Great War" published by the authority of the Government of India.

Rs. 311 crores at the rate of exchange prevailing at the time. Of this sum the *direct* contribution from Indian revenues towards Great Britain's War expenditure was £146.2 millions or Rs. 220 crores, nearly two-thirds of which was found by borrowing. These figures include the gift of £100 millions but *not*, of course, the numerous private gifts or the contributions of Indian States. If British India's total contributions towards Great Britain's war expenditure and the interest paid on War borrowings had been utilised for wiping out the sterling debt of India, the sterling debt to-day would have been very small; for a substantial portion of the amount was borrowed before the War at low rates of interest and until recently the securities were quoted at rates very much below par. We fully recognise that these enormous contributions were made by the Indian Legislature and we also recognise that whatever the circumstances connected with the composition of India's sterling debt the position of the British investor is not affected. We have not referred to this subject at any of the Round Table Conferences, and we refer to it now with great reluctance for the last thing we desire to do is to exploit for political purposes a gift made with the full assent of Indian representatives. Nevertheless when attempts have been made in this country to exploit the nervousness of the British investor for purposes of political propaganda, it is necessary to bring to the notice of the British public and of Parliament the fact that, if India had utilised the money which she contributed towards the expenditure on the Great War to wipe out her sterling obligations, the sterling debt to-day would have been very small. We must appeal to the British sense of fair play to see that the financial sacrifices which India made in order to assist Great Britain in her hour of need do not result in the imposition of severe

restrictions on the powers of the Legislature and the responsible Finance Minister in the administration of the country. Nothing would exasperate Indian public opinion more than the realisation of the fact that the enormous sacrifices that India had made have actually become the justification for impediments in the way of her constitutional advance.

9. We now proceed to indicate the modifications we suggest in the White Paper provisions.

(1) The fact that a large number of Indians have invested in Indian sterling securities in this country and that an appreciable portion of the Rupee debt is held by a large class of small investors who will be in a position to wield considerable political influence under the new constitution constitutes in our opinion an effective safeguard for the security of India's finances and of her credit abroad. A special responsibility in respect of financial stability and credit has, however, been imposed on the Governor-General. At the Third Round Table Conference attempts were made by several delegates to define this responsibility precisely and to restrict its application to specific cases such as borrowings to meet budgetary deficits. While considerable sympathy was expressed for this latter demand, the difficulty of drafting a clause that would cover all such cases has apparently been the principal consideration that has influenced His Majesty's Government in retaining the wording adopted in the White Paper. If the difficulties of drafting are found to be insuperable, we consider that the intentions of His Majesty's Government should be made clear by means of appropriate directions in the Instrument of Instructions.

(2) We recognise that if the Governor-General is to have a special responsibility in respect of financial stability and credit, it will be necessary for him to have a Financial Adviser on the spot, for it is better that he should be guided by an adviser who is stationed in India and is in touch with local conditions than that he should be obliged to invoke the aid of experts in England who have had no direct or recent contact with India. We have, therefore, no objection to the appointment of an adviser for a limited period under the new constitution, but it should be made clear either in the Statute or in the Instrument of Instructions, that the intention is that he should not interfere in any way in the ordinary day-to-day administration.

We are further of opinion that there are considerable advantages in designating him Adviser to the entire Government, i. e. the Governor-General as well as the Ministry. It is also very important that the Financial Adviser should be a financier approved by and acceptable to the Finance Minister. The success of the Financial Adviser will depend not merely on his experience and knowledge but upon his personality and his political outlook. His duties under the Constitution will be to advise the Governor-General when he considers that the financial stability or credit of the Federation is in danger; but a financial crisis is often due to the cumulative effect of a series of acts which individually are not of such consequence as to justify interference. It is obvious that the utility of a Financial Adviser would be gravely diminished if he could deal only with the consequences of a crisis and had no opportunities of preventing it by giving his expert advice at the appropriate moment. It is, therefore, of the utmost importance that the Minister, while retaining fully his right to reject the advice of

the Financial Adviser, be encouraged to consult him as frequently as possible. We request the Committee to take the psychological factors into consideration. If the Financial Adviser were chosen without the agreement of the Minister and did not enjoy his confidence, the latter would probably never consult him, however able and experienced he might be. The inevitable tendency would be for the Finance Minister to isolate himself, as far as constitutional provisions would permit, from the Financial Adviser, and the main object for which the appointment is considered necessary would be frustrated. On the other hand, if the selection were made with the approval of the Minister, he would probably get into the habit of consulting him and of accepting his advice without any prejudice to his constitutional right to reject it in cases in which he considered it necessary to do so.

(3) We have recognised the importance on financial grounds of the constitution of a Reserve Bank. We do not propose to offer any detailed observations on a subject which has been discussed by a special committee here and is now before the Indian Legislative Assembly. We wish, however, to emphasize here that it is of the utmost importance that the principal officers of the Bank, namely, the Governor and Deputy Governor, should not be under the influence either of Whitehall or of the City. In the course of the discussion which some of the Delegates to the Round Table Conference had last year with representatives of the City, very great emphasis was laid on the importance of establishing a Bank which had the confidence of the Indian public. Nothing would shake public confidence in India more than the suspicion that the Governor and the Deputy

Governor were acting under the influence of Whitehall or the City.

(4) The legislation in respect of currency and coinage and of the Reserve Bank should not, as proposed in paragraph 119 of the White Paper, be subject to the previous assent of the Governor-General. (Two Members dissent from this proposal.)

These provisions and the establishment of a Reserve Bank, independent of the Federal Executive, would in effect mean that the Finance Minister would not, in respect of currency and exchange policy, be responsible to the Indian Legislature. We draw the attention of the Committee to a statement made by the Secretary of State on December 24th, 1932, at a meeting of the Round Table Conference, that "the British Government have fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibity."* We do not see how Finance can be regarded as a transferred subject unless and until the Finance Minister is also responsible for the currency and exchange policy of the country and is in a position to determine that policy solely in the interests of India. Indeed, as we have shown in the second part of the Memorandum, so long as the currency and exchange policy of the country is reserved, it would be difficult for the Ministers in charge of Industry and Agriculture to accept full responsibility for the development of these Departments. It is unnecessary, especially at present, to emphasize the fact that the prosperity of industry and agriculture is very closely connected with the level of commodity prices, which, of course, is dependent on the currency and exchange policy of the country.

* Page 79, Round Table Conference Reports, Third Series.

(5) Future Indian sterling loans should be raised on behalf of the Government of India by the High Commissioner or some other suitable agency. The Secretary of State in his evidence before the Committee recognised the justification for a change in the present procedure. The question has a political aspect, since the necessity for securing the position of the British investor is one of the principal justifications for the financial safeguards. We realise that any change of procedure might result is a higher rate of interest for Indian loans, but this possibility must be faced by India at some time or other.

Fiscal Convention.

10. Under the White Paper provisions, Commerce will be a transferred subject, in charge of a responsible Minister, and fiscal policy will be determined solely by the Ministry and the Legislature. Since the special responsibilties of the Governor-General do not include fiscal policy or the other matters at present dealt with under the Fiscal Convention, the Governor-General will, in regard to such matters, be guided by the advice of his responsible Minister. We have no modifications to suggest as regards the provisions of the White Paper, but in view of statements that have been made in this country, we wish to draw the attention of the Committee to the following passage in the Report of the Joint Select Committee of 1919 :

> " Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada, and South Africa."

The further declaration based on this passage made by Mr. Montague in 1921 in reply to a deputation from Lancashire cannot be too often quoted. He said :

> "After that Report by an authoritative Committee of both Houses and Lord Curzon's promise in the House of Lords, it was absolutely impossible for me to interfere with the right which I believe was wisely given and which I am determined to maintain to give to the Government of India the right to consider the interests of India first, just as we, without any complaint from any other parts of the Empire, and the other parts of the Empire without any complaint from us, have always chosen the tariff arrangements which they think best fitted for their needs, thinking of their own citizens first."

The confidence inspired by this declaration of policy and the policy of discriminating protection (which, it may be noted, is a far more diluted form of protection than the system in force in the Dominions) have led to the remarkable industrial development in India during the last decade, to which reference was made by the witnesses who appeared on behalf of the Manchester Chamber of Commerce. Any departure from this policy would cause dissatisfaction of the very gravest character in India and the consequences might be most disastrous even from the point of view of British commercial interests.

11. At a very late stage of our deliberations a suggestion has been made that while complete freedom in the matter of tariff arrangements should be definitely recognised by Statute, there should be a clause prohibiting discriminatory tariffs penalising British imports as compared with those of other countries, imposed with the object of exercising political pressure on Great Britain. It was explained that such a clause would not prevent discrimination against Great Britain if it was necessary in the economic interests of India, nor would it restrict in any way the right of India to conclude trade agreements with foreign countries in the interests of Indian commerce and industry. For instance, it was made clear that a reciprocal

agreement with Japan as regards the purchase of Indian cotton by Japan and the purchase of Japanese cotton goods by India would not come within the scope of this clause even if it involved a certain measure of discrimination against Great Britain.

12. The possibility of the tariff being utilised as an instrument of political pressure is remote. Our fear is that misunderstandings are bound to arise if the Governor or the Governor-General is the authority that will decide whether there is a political motive underlying the economic policy of the Ministers. If British politicians have been alarmed by some of the statements of the Congress and some of the implications of Congress policy, we venture to point out that Indian commercial interests have also been very disturbed by statements in a section of the British press that in the economic interests of Great Britain there should be no relaxation of Parliamentary control.

13. We would like in this connection to refer briefly to the tariff developments in the past and to their psychological reactions on Indian public opinion. The efforts of Lancashire to interfere with the tariff arrangements of India in the latter half of the last century, the abolition of the whole of the import duties in 1881 after a memorial by the Manchester Chamber of Commerce and a prolonged controversy between the Secretary of State and the Government of India, and finally the imposition of excise duties on cotton goods in 1896, again under pressure from Lancashire, had had very serious political repercussions on Indian public opinion, which are familiar to all who are acquainted with the fiscal and political history of India during the last 50 years. The excise duty on cotton goods became a grave political issue and the demand for its abolition continued long after the levy of heavy import duties on cotton goods. The grant

of freedom in respect of tariff arrangements under the Fiscal Convention of 1919 and the abolition of the excise duties in 1925 have had a remarkable effect on the fiscal outlook of India and in particular on its attitude on the question of Imperial preference. In 1926 India had refused to accept the full policy of Imperial preference; but a Bill for the grant of preference to British steel was carried through the Legislature in 1927 though by a small majority. The Ottawa agreement was ratified by the Legislature last year by a very large majority, and the Indian tariff now provides for preference for several classes of British goods. The reason for the change has been explained in the evidence of Sir Charles Innes, who was a member of the Viceroy's Council in charge of Commerce for five years and is undoubtedly one of the greatest authorities on Indian commercial matters. The following is his reply to Mr. Davidson's question No. 5007:

> "I think it was mainly due to the fact that the Indians realised that it was for themselves to decide whether or not they would ratify that agreement. In the old days, before we introduced this principle of discriminating protection, every Indian thought that Britain kept India a free-trade country in the interest of her own trade. When the Fiscal Convention was introduced, and when we passed a resolution in favour of discriminating protection, and the first Steel Bill was passed, we at once transferred all that from the political sphere to the economical sphere, and in recent years in the Indian Legislative Assembly more and more we have been creating a strong Free-Trade party. It was getting more and more difficult for me to pass Protection Bills. I think that is all to the good; it shows the value of responsibility and I am perfectly sure that if we had not taken that action, you would have never got the Indian to agree to preference on British steel, or to the Ottawa agreement, and it seems to me a very good example of the stimulating effect of responsibility."

14. In these circumstances we request the Committee definitely to recognise by Statute India's freedom to regulate her fiscal policy without any reservations or qualifications. Such a course, we are convinced, would be fully justified by the results. In our opinion, so far as the fiscal relations between Great Britain and India are concerned, the question is not whether there will be any tariff discrimination against Great Britain but whether and to what extent *preference* will be given to Great Britain. A constitutional provision which might never have to be applied in practice but which would tend to offend public opinion in India might seriously prejudice the development of any preferential arrangement as regards Great Britain. India desires to shake hands with Great Britain in token of friendship based on a recognition of equality. A proposal that she should be hand-cuffed before she is allowed to shake hands, lest she be tempted to strike, is hardly the most expedient method of beginning a new era of cordiality and mutual understanding.

Commercial Discrimination.

15. The question of Commercial Discrimination has been the subject of prolonged negotiations and discussions for many years. Throughout these discussions and negotiations, the expression "Commercial Discrimination" was used in a very limited sense. It had reference solely to internal restrictions on trade and commerce. It was never intended to include tariff arrangements and the other matters dealt with under the Fiscal Convention. In fact, the only reference to the subject in the reports of the first Round Table Conference is found in the Report of the Minorities Sub-Committee.

16. On the question of principle there has always been a substantial measure of agreement. The All-Parties Conference

which met in India in 1928 and which was presided over by that eminent leader of the Congress, the late Pandit Motilal Nehru, stated in their report (commonly known as the Nehru Report) that " It is inconceivable that there can be any discriminatory legislation against any community doing business lawfully in India." The statement was endorsed in even more emphatic terms by Mr. Gandhi at the Second Round Table Conference. It has been accepted on the one hand that there shall be no unfair discrimination against British companies operating in India, while it is equally agreed on the other side that the Indian Government should have all the powers which Great Britain and the Dominions possess to develop indigenous industries by all legitimate methods. The difficulty throughout has been to define by legislation the expression " legitimate " and " unfair " and also the term " indigenous ".

17. The question was considered by the authors of the Montagu-Chelmsford Report and also by the Simon Commission. The former in paragraph 344 of their report made an appeal to Europeans " to be content to rest like other industries on the new foundation of government in the wishes of the people " and to Indians "to abstain from advocating differential treatment aimed not so much at promoting Indian as at injuring British commerce ". The Simon Commission considered that it was not feasible to prevent discriminatory legislation by attempting to define it in a constitutional instrument. Any such provision would, in their opinion, have to be drawn so widely as to be little more than a statement of abstract principle, affording no precise guidance to courts which would be asked to decide whether the action complained of was discriminatory. The Parliamentary draftsmen, however, considered otherwise, and attempts have been made in the White Paper in Proposals 122,

123 and 124 to deal with this highly complicated question. The view of the Simon Commission has, however, been justified, for the draft has already been found to be unsatisfactory and a complete redraft has been suggested in the memorandum circulated by Secretary of State. We must point out that if the clauses are drawn so widely as to prevent legitimate discrimination, the Government would be driven to State socialism as the only method by which the provisions of the Act could be circumvented.

18. Before we deal with this revised draft, we must state very frankly the apprehensions of Indian commercial and industrial interests in this matter. A protective tariff, as regards which complete freedom has been given and is to be continued under the White Paper scheme, is the most common perhaps the most effective method by which indigenous industries can be fostered and developed. The clauses relating to commercial discrimination also recognise that in the case of bounties, subsidies, or other payments of grants from public funds, discrimination even in the case of British companies operating in India would be legitimate under certain circumstances. These, however, do not exhaust the methods by which countries, including Great Britain, have attempted to develop indigenous industries or counteract attempts made by foreign companies to frustrate the objects of a protective tariff. The particular difficulty which is disturbing the minds of Indian commercial men is the possibility of powerful foreign trusts eastablishing themselves in India and making it impossible for Indian industries to develop, not necessarily by methods which in ordinary commercial practice would be regarded as unfair, but by their superior resources, powers of organisation, political influence, etc. It is immaterial from the Indian point of view whether

these trusts are British or international, nor do we see how legislation can differentiate between a foreign company which is registered in Great Britain and a British company.

The question has already arisen in the case of the match industry. As a result of the heavy revenue imposed on matches in 1922, a big indigenous industry has developed, and the Swedish Match Company has also established several factories in India. When the question whether the revenue duty should be definitely recognised as a protective duty was considered by the Tariff Board in 1928 one of the points which it examined was whether the Government should introduce any special measures to curtail the activities of the Swedish Match Company in the interests of the Indian companies. The Board, which was presided over by an Indian and had a majority of Indians, recommended that a no-discriminatory action was necessary, though the situation required careful watching; but it is interesting to note that the Tariff Board did not consider itself precluded from considering the question of discrimination and examined several possible methods, such as the establishment of a quasi-monopoly under Government control, State control of sales and prices, and a differential excise duty.*

19. In dealing with the revised draft, it would probably be better for us to state clearly on what lines the draft should in our opinion be modified rather than to suggest specific modifications of the draft. We summarise below in the form of propositions our views on this subject:

(a) We have no objection to the general declaration as to British subjects in regard to the holding of public offices or to

* Appendix A, Report of the Indian Tariff Board regarding grant of protection to the Match industry, 1928.

the practising of any profession, trade or calling. We would, however, very strongly object to any draft which makes it impossible for India to discriminate against subjects of the Dominions and Colonies which impose disabilities on Indian subjects. We do not wish to elaborate the point further, for His Majesty's Government are aware of the strength and intensity of Indian feeling on this question.

(b) Proposal 124 of the White paper and the revised draft fully recognise that in respect of bounties, subsides, or other payments from public funds, discrimination would be legitimate. We would, however, like to point out that the Report of the External Capital Committee of 1924, on which the draft is based, is not the last word on this subject. The conditions imposed in accordance with the recommendations of this Committee have so far been found to be satisfactory, but it is not improbable that altered circumstances will necessitate other conditions or modifications of these conditions with a view to the encouragement of Indian trade or industry. The clause should not, therefore, restrict the right of the Government and the Legislature to impose further conditions, if necessary.

(c) The clauses relating to the special provisions for persons who are British subjects domiciled in the United Kingdom are based on the principle of reciprocity. In the course of the discussion we have referred to several methods by which Western countries have attempted to foster and develop national industries and which might in certain circumstances be held to contravene one or other of these provisions. We have two alternative proposals to make.

20. We strongly hold the view that a friendly settlement by negotiation is by far the most appropriate and satisfactory

method of dealing with this complicated matter. Any statutory safeguards given to British commercial interests would irritate public opinion and would operate as impediments to a friendly settlement. We, therefore, earnestly suggest the omission of clause 123 of the White Paper and the corresponding clauses in the re-draft. If any legislation which subjects to unfair discrimination any class of His Majesty's subjects protected by this clause is passed by the Federal Legislature, the Governor-General has already the right under clause 39 to reserve the Bill for the significance of His Majesty's pleasure. Any such action on the part of the Governor-General would itself put the rival parties in the proper frame of mind for a satisfactory agreement. The fear on the one hand of the exercise of the ultimate veto and on the other the possibility of assent in view of the strongly expressed public opinion in the matter would probably induce the parties to arrive at a satisfactory compromise. (Sir Henry Gidney dissents from this proposal.)

21. A less satisfactory alternative (though in our opinion much better than the White Paper proposals) would be the inclusion of legislation, which discriminates against any class of His Majesty's subjects in India, in the list of legislation which, under Proposal 119, requires the previous assent of the Governor-General given at his discretion. It should, however, be made very clear by means of a provision in the Statute itself or by means of appropriate directions in the Instrument of Instructions that the assent should not be refused unless the object of the legislation is "not so much to promote Indian commerce as to injure British commerce".

We consider that a clause drafted generally on these lines would be preferable though it is open to the objection referred to in paragraph 12.

In the first place a provision of this sort would be more elastic than the White Paper provision, for the Governor-General or the Governor as the case may be would be in a position to decide with reference to the merits of each individual case whether the measure was a legitimate attempt, intended to promote Indian industries, or whether its aim was primarily to injure British commerce in India.

In the second place it would avoid a reference to the Courts to which there are obvious objections, some of which have been given by the Simon Commission in paragraph 156, Volume II of their Report. We do not think that the Courts should be placed in a position in which they might have to give a decision contrary to strongly expressed public opinion in the Legislature. Indeed, any attempt to test the legality of popular legislation by a foreign company would at once raise political issues and would tend to mobilise the forces of public opinion against the company concerned. European companies have during the last four years realised how extremely effective a boycott, supported by public opinion, can be in India.

In the third place, a reference to the Federal Court with the right of appeal would mean considerable uncertainly and delay, which might in certain circumstances frustrate the very object of the legislation. Moreover, it the legality of the legislation is challenged, not immediately but some years after the passing of the Act, a decision of the Federal Court declaring the legislation *ultra vires* on the ground of discrimination would inflict heavy losses on the companies, which in the meanwhile had invested capital and commenced operations.

22. We see grave practical objections to any constitutional provisions against administrative discrimination. Indian

Ministers in charge of Transferred Departments in the Provinces have exercised unrestricted powers in respect of contracts and the purchase of stores for the last twelve years and there has been no complaint from any British companies that the powers have been abused. Apart from the fact that any provision in the new constitution which would enable the Governor-General or the Government to interfere with the discretion of the Indian Ministers in these matters would be very strongly resented as an encroachment on the rights already granted by convention, we are convinced that administrative interference would, in practice, seriously affect the relations between the Governor-General or the Governor and his Ministers. In practice no such discrimination against British companies in India is likely to take place, especially as the vast majority of the shareholders in many of the so-called European companies in India such as the jute companies of Bengal, are Indians. The Indian shareholders, like the shareholders of any other country do not concern themselves very much with political or racial issues so long as they get their dividends regularly. Although the shareholders in the jute companies have been predominantly Indian, the management and direction has, as is well-known, been almost exclusively European.

Railway Board.

23. The question of the constitution of a statutory Railway Board was never discussed at the Round Table Conferences but was considered by the Consultative Committee of the Round Table Conference in India. This Committee, while recognising the advantages of the establishment by Statute of a Railway Board for the administration of the Indian railway system on commercial lines, considered that the Constitution should merely contain a clause requiring the establishment of such a body and

that the constitution, functions and powers of the Board should be determined by an Act of the Federal Legislature. We agree with this recommendation.

Federal Legislature.

24. We generally accept the proposals in the White Paper both as regards the composition of Lower Federal Chamber and as regards the method of election to it.* The representatives of some of the bigger Indian States have urged the desirability of smaller Legislatures and also the adoption of an indirect system of election. The arguments that have been advanced against direct election are familiar to those who have taken part in the constitutional discussions of the last five years, but since the matter is of such vital interest, we propose to deal with the principal objections which are as summarised below.

(1) Direct election, even with Legislatures of the size contemplated by the White Paper scheme, would necessitate extensive constituencies, and with the comparatively undeveloped state of communications in India it would be impossible for the individual member to maintain that personal contact with the electorate which is the essence of the democratic system.

(2) The vast mass of the electors who are to be entranchised under the White Paper scheme are illiterate, and in the absence of a well-organised party or press, it would be difficult for the illiterate voter to understand the

*Some members of the Delegation would much prefer smaller legislatures though they are in favour of direct election to the Lower Chamber. One member considers that in view ef the special circumstances of his community at present, indirect election would be preferable.

complicated and in some cases highly technical issues which the Federal Government would deal with under the new constitution.

(3) India has not sufficient men with the necessary qualifications to fill Provincial and Central Legislatures of the size provided for in the White Paper scheme, and a large Federal Legislature is unnecessary for the purposes of the Federal scheme, since the functions of the Federal Government under this scheme will be very restricted.

25. The first two arguments have been answered in the following passage from the Government of India's despatch on a similar proposal made by the Statutory Commission :

"First, the central elector has exercised the franchise with increasing readiness and at least as freely as the elector to provincial councils. A great deal of the bussiness of the central legislature is as intimate to :the elector, and is as fully within the scope of his understanding as the business of the provincial councils. We need cite only such matters as the Sarda Act, the income-tax, the salt tax, the railway administration, and postal rates. Even more abstruse matters, such as the exchange ratio and tariffs, interest large sections of the electorate. Second, the electoral methods natural to the social structure of India may be held to some extent to replace personal contact between candidate and voter, a contact which adult suffrage and party organizations make increasingly difficult in western countries. The Indian electorate is held together by agrarian, commercial, professional and caste relations. It is through these relations that a candidate approaches the elector, and in this way political opinion is the result partly of individual judgment, but to a greater extent than elsewhere of group movements. These relations and groups provide in India a means of indirect contact between voter and member, reducing the obstacles which physical conditions entail. Moreover, we are impressed by the further

consideration that ten years ago Parliament of its own motion set up for the first time a directly elected Assembly, representative of the whole of India. That Assembly, in part perhaps because it is directly elected, has appealed to the sentiment of India, and sown the seeds, as yet only quickening, of real representation. Accordingly, unless new considerations of greater importance have to be taken into account, we feel reluctant as yet to condemn an experiment undertaken so recently in a country awakening to political consciousness."

Apart from the other weighty arguments which have been urged by others in favour of a system of direct election, we wish to draw the attention of the Committee to the possibility, almost amounting to certainty, of Provincial elections being fought on All-India issues if the Federal Legislatures were indirectly elected by the Provincial Councils. The result would be that none of the advantages claimed for the indirect system could be secured since All-India issues would be voted upon by an electorate of 35 millions instead of by the more restricted electorate recommended by the Lothian Committee for the Federal Assembly.

26. As regards adequacy of qualified men to fill the legislatures, whatever the conditions in the Indian States no one who is in touch with conditions in British India doubts that, except perhaps in the case of the depressed classes, men with the necessary qualifications will not be available. Our fear, on the other hand, is that the number of candidates will be embarrassingly large.

27. We consider that there should be a definite provision regulating the procedure for the participation by representatives of Indian States in matters of exclusively British India interest.

The following formula indicates the procedure which in our opinion should be followed :—

(1) In a division on a matter concerning solely a British Indian subject, the representatives of the Indian States will not be entitled to vote.

(2) Whether a matter relates solely to a British Indian subject or not will be left to the decision of the Speaker of the House, which will be final.

(3) If a substantive vote of 'No Confidence' is proposed in the House on a matter relating solely to a British Indian subject, the representatives of the Indian States will be entitled to vote since the decision on such a question will vitally affect the position of a Ministry formed on the basis of collective responsibility.

(4) There should be a definite provision in the Constitution regarding the procedure on this important point, since the issues raised affect the status and rights of the representatives of the Indian States on a question of voting in the Legislature.

(5) If the Ministry is defeated on a vote of the Legislature on a subject of exclusively British Indian interest it will be for the ministry to decide whether it should continue in office. It will not necessarily resign as a result of the vote.

Provincial Constitutions.

28. We approve generally the scheme of Provincial responsibility provided for in the White Paper proposals,

and our observations and suggestions are confined to matters of detail.

(1) We are very strongly opposed to the proposal that Law and Order or any section of the Police Department should be reserved. In the first place, the isolation of this Department would result in the intensification of the hostility to this Department which would be increasingly recognised as the agency of an alien Government. In the second place, the maintenance of Law and Order is very closely connected with the administration of the other deparments since the Police are the agency through which in the last resort the policy of the other departments is enforced. For instance, the periodical Moplah outbreaks in the south, the tenancy agitation in the U. P., and the Gurudwara agitation in the Punjab were due to agrarian or religious movements which necessitated action in the Transferred Departments. To give another instance, the enforcement of prohibition, which has the sympathy of a large section of the population in India, is, as has been demonstrated by the American experiment, primarily a question of Law and Order.

(2) Any special provision for dealing with the terrorist activities in Bengal and elsewhere, which would involve a restriction of ministerial responsibility in respect of Law and Order, would, apart from its political reactions, defeat the object in view. It is well-known that the terrorist activities have been aggravated by social and even religious influences, unemployment among the University graduates, and by economic conditions of the Province in general. Absence of any strongly expressed public opinion against the movement has also been one of the principal factors that has contributed to its growth. Only an Indian Minister who is very closely in touch with the classes of the population from which the terrorists are drawn can mobilise the forces of public opinion against the movement and deal effectively with the social and the other factors that have influenced its growth. (Sir Henry Gidney dissents.)

(3) There is nothing in the White Paper scheme which could prevent the Governor-General from carrying out the suggestion that, while Law and Order would be completely transferred in the Provinces, there should be a small organisation directly under the Governor-General which would, in co-operation with the provincial authorities, supply him with information relating to movements of a subversive character which extend over more than one Province and which raise questions relating to the defence and security of the country. The military section of the C. I. D. does, as a matter of fact, discharge this function.

(4) The Instrument of Instructions should definitely contain a direction to the Governors that the collective responsibility of the Cabinet with a Prime Minister should be introduced from the very inception of the provincial constitutions.

(5) *Special responsibilities of the Governor.**

While we recognise that certain special responsibilities would have to be imposed on the Governor in view of the demands of the Minorities and other circumstances, we consider that the following modifications should be made in Proposal 70 of the White Paper:

(i) In respect of the prevention of grave menace to the peace and tranquility of the Province, the Governor's action should be confined to the Department of Law and Order. In other words, these special powers should not be exercised so as to interfere with the administration of the

* Sir Abdur Rahim is of the opinion that the special responsibilities and special powers of the Governor as proposed in the White Paper will make it extremely difficult for responsible Governments in the Provinces to function and considers that the provision made to meet cases of breakdown of the Constitution should suffice to meet all serious contingencies. He is convinced that if the rights and interests of the Minorities and the Services are properly defined in the Constitution Act itself that will afford more effective protection to them. The Governor should, however, be responsible for carrying out the orders of the Federal Government and protecting the rights of Indian States.

other Departments. It is suggested that the special responsibilities should be restricted to cases in which the menace arises from subversive movements or the activities of a person or persons tending to crimes of violence.

(ii) In the case of Minorities, the expression "Legitimate interests" should be more clearly defined and it should be made clear that the Minorities referred to are the racial and religious minorities which by usage are generally included in this expression.

(iii) In the case of the Services, the expression "legitimate interests" should be clearly defined. The Governor's special responsibility should be restricted to the rights and privileges guaranteed by the Constitution.

(The other special responsibilities of the Governor will be dealt with in the appropriate sections of this memorandum to which they relate.)

(6) The power of issuing ordinances should be given only to the Governor-General as at present. The Governor should have no difficulty in getting ordinances issued even in emergencies as at present.

(Some members of the Delegation dissent from this proposal and support the White Paper proposal.)

(7) We are opposed to the creation of second Chambers in Bengal, Bihar and the U. P. The opinion of the present Legislative Councils in these Provinces is not conclusive in the matter.

If, however, in spite of our opinion a second Chamber with a nominated element is to be constituted in these Provinces, we consider that it should be definitely recognise that persons appointed Ministers must be or become within a stated period elected members of one of the two Chambers.

(One member of the Delegation considers that in the case of the United Provinces a Second Chamber is necessary, while another would like to have it in all the three Provinces.)

(8) In respect of the Governor's Act, referred to in Proposals 92 and 93 of the White Paper, most of us would prefer that, if any legislation were required for the discharge of the special responsibilities imposed on the Governor, he should take the entire responsibility for such legislation and should not be required to attempt to secure the assent of the Legislature.

Federal Finance.

29. (1) The allocation of the sources of revenue between the Federation and the units which follows with slight modifications the recommendations of the Peel Committee of the Third Round Table Conference, is the result of a compromise and we do not, therefore, suggest any change.

(2) In regard to the division of income-tax, however, we observe that the contentions of the British Indian members of the Peel Committee have not been accepted. These members, realising the importance of strengthening the financial position of the Federal Government by the parmanent allocation of a portion of the income-tax, agreed, as a compromise, to the suggestion that the proceeds of the income-tax which are not derived solely from residents in British India should be allotted to the Federal Government, in addition to the Corporation Tax which would be definitely classed as a Federal source of revenue. According to the figures placed before the Peel Committee, the amount of income-tax so allotted was roughly about 2½ to 3 crores of rupees, or only about 20 per cent. of the balance remaining after the allocation of the Corporation Tax to the Federal Government.

Under the White Paper scheme, the portion of the income-tax to be assigned to the Federation has been fixed at not less than 25 per cent. and not more than 50 per cent. of the net

proceeds, the exact percentage to be fixed by a committee just before the inauguration of the Federation.

Since the Percy Committee have definitely found that the pre-Federation debt of India is covered by the assets to be transferred to the Federal Government, there is no justification in theory for the assignment to the Federal Goverment of any portion of the personal income-tax paid by the residents of the Provinces, since no corresponding tax on incomes will be paid by the States. Any such proposal would have serious political repercussions, for an economic issue of this sort might dertermine the line of party cleavage in the Federal Legislature. It would be very deplorable if at the very inception of the new constitution the representatives of British India and those of the Indian states, were ranged in opposite camps in the Federal Legislature.

(3) In Proposal 137, it is stated that the Federal Legislature will be empowered to assign the salt duty, the Federal excises and the export duties "in accordance with such schemes of distribution as it may determine". It should be made clear that the system of distribution should be on the basis of population or according to some other method that would not render possible the exercise of administrative control over the units of the Federation. In other words, the scheme of distribution should not be interpreted as including grants-in-aid as an instrument of control.

(4) There should be a provision in the Constitution Act for the appointment by the Governor-General of a committeee (say three years after the Federation has begun to function) to institute an inquiry into the financial conditions of the Federation and of the British Indian Provinces and to make

recommendations for the allocation of the income-tax to the Provincial units according to a time-table.

Public Services.*

30. No part of the White Papar proposals has caused more dissatisfaction in India than the provisions relating to the Public Services. Before we indicate our views on these provisions, we may draw the attention of the Committee to certain features of the duties and conditions of service, particularly with reference to the key Service, namely, the Indian Civil Service. The Covenant or contract signed by a member of the Indian Civil Service imposes many obligations on him but confers hardly any rights or privileges, which have all been granted either by Statute or by rules, such as the Devolution Rules and the Classification Rules. The salaries and other conditions of service have been varied from time to time and are still subject to variation by the Secretary of State in Council. The duties and functions of this Service have also undergone considerable changes. Originally the Collector and Magistrate was a fiscal officer, a revenue and criminal judge, the local head of the police, jails, education, municipal and sanitary departments. Owing to the increase of specialisation by the creation of new departments transfer of certain departments to the direct control of the Imperial Government, de-officialisation of local authorities and other administrative changes due to the introduction of the Montagu-Chelmsford reforms, his duties have been considerably restricted, but he continues to be the administrative head of the district, whose principal functions, apart from the collection of revenue, are the maintenance of law and order and the co-ordination of the work of the different departments of Government in

* Wherever the word 'Indian' is used, it includes 'Statutory Indians'

the district. Many of the higher administrative appointments and almost all the higher secretariat appointments in the Provincial Governments and in the Government of India are reserved for the members of this Service under the present Constitution.

31. According to the White Paper scheme, the Secretary of State will continue to recruit on the present basis for the two key Services, namely, the Indian Civil Service and the Indian Police. There is to be a statutory inquiry after a period of five years after which Parliament will determine on what basis future recruitment should be made.

Very strong objection has been taken in India to this part of the scheme which is, it may be noted, not in accordance with the recommendations of the Services Sub-Committee of the Round Table Conference. We consider that, after the passing of the Constitution Act, recruitment for the Central Services should be by the Federal Government and for the Provincial Services, including the Indian Civil Service and the Indian Police, should be by the Provincial Gevernments, who should have full power to determine the pay and other conditions of service for future recruits and also the proportion of Europeans that should be recruited.* We give below some statistics, necessarily based on certain assumptions, as to the number of European officers that would remain in service even if recruitment were completely stopped in 1935.

	Indian Civil Service.	*Indian Police.*
(1) Total sanctioned strength	1,225	683
(2 Present strength (on 1-1-32. latest figures available)	1,308	680

*Sir Henry Gidney dissents from this proposal.

	Indian Civil Service.	*Indian Police.*
(3) Number of European officers at present. (1-1-32).	843	528
(4) Number of European officers if recruitment were stopped in 1935.		
(a) in 1935	762	498
(b) in 1940	632	443
(c) in 1945	502	388

There would thus be a very substantial European element in the two key Services for another generation even if European recruitment were completely stopped after the passing of the Act. The proposal that a statutory inquiry should be instituted after a period of five years is open to very strong objection. The problem of European recruitment cannot be considered in isolation. It is very closely connected with standards of administration, the state of communal fealing and other factors which are of a very controversial nature and raise political issues. Any such inquiry even of an informal nature would, therefore, have a grave disturbing effect on the political atmosphere and would seriously affect the relations between the Services and the Legislatures.

32. We now proceed to deal with the existing rights of officers appointed by the Secretary of State in Council which are to be guaranteed by Statute. We may say at once that we have no objection to the proposal, that the pensions, salaries, and the privileges and rights relating to dismissal or any other form of punishment or censure should, in the case of the existing members of the All-India Services, be fully safeguarded by the Constitution. We consider, however, that the Governor-

General in his discretion (*not* the Secretary of State in Council) should be the statutory authority for the protection of these rights and privileges. We realise that the Governor-General acting in his discretion is responsible to the Secresary of State and that constitutionally there would be very little change. Indian public opinion, however, attaches great importance to this formal change, which would be more in keeping with the rest of the Constitution.

To meet the reasonable demands made by the Services Association we are prepared to go further and agree to the following concessions.

(1) Although the members of the All-India Services, appointed after the commencement of the Government of India Act of 1919, are not entitled to the "existing and accruing rights or to compensation in lieu thereof" referred to in Section 96B (2) of the Government of India Act, we have no objection to the proposal that these rights should be extended to the officers appointed before the passing of the Act.

(2) We agree to the proposal that the right of retiring on proportionate pension should be extended to all European members of the All-India Services, appointed up to the passing of the Act.

33. Our objection is mainly to the rights and privileges which operate as restrictions on ministerial responsibility. We foresee many administrative developments. We, therefore, consider that there should be no restriction on the Ministers as regards postings, allocation of work, reorganisation of services and functions, and other matters which relate to the enforcement of policy and the efficiency of administration. The Ministers should also have the power of abolishing individual appointments now held by members of the All-India Services, subject

to right of compensation in certain cases on the lines indicated in the evidence of the Secretary of State.

34. We see no justification for the proposal to exempt from income-tax the pensions of retired officers of the All-India Services. Any such exemption would not benefit the retired officials resident in Great Britain or Northern Ireland who are subject to the British income-tax and who come within the scope of the double income-tax arrangements. Whether India levied an income-tax on pensions or not, they would continue to pay income-tax at the British rate. The only persons who would be protected are the retired officials who have settled in foreign countries in order to evade the British income-tax. We do not think that these officers deserve the sympathy of Parliament or that any special constitutional provision should be made for their benefit.

The question is not, in fact, connected with service rights or privileges, for retired British officials in India are subject to Indian income-tax. The matter is one for adjustment between the British Treasury and the Indian Government, if the latter decided to remove the present exemption.

It is possible that, owing to the fact that under the Indian income-tax provisions no exemptions are given for families, in a few cases the British rate might be lower than the Indian rate of income-tax and that a few retired officials in Great Britain and Northern Ireland would, therefore, become subject to a higher rate of tax. To avoid any hardship in this comparatively small number of cases, we would have no objection to any arrangements under which retired officials in Great Britain and Northern Ireland would continue to pay income-tax at the same rate as at present.

Appointment of Governors.

35. We strongly feel that the Governors of all the Provinces should under the new Constitution be selected from amongst public men in Great Britain and in India. Members of the permanent services in India, whether retired or on active service, should be excluded from these high appointments.

Automatic Growth of the Constitution.

36. The Simon Commission declared that one of the most important principles which should be borne in mind in considering the constitutional proposals was that the new Constitution should as far as possible contain within itself provision for its own development. As the Commission observed.

> "It has been a characteristic of the evolution of responsible government in other parts of the British Empire that the details of the constitution have not been exhaustively defined in statutory language. On the contrary, the constitutions of the self-governing parts of the British Empire have developed as the result of natural growth, and progress has depended not so much on changes made at intervals in the language of an Act of Parliament as on the development of conventions and on the terms of instructions issued from time to time to the Crown's representative."

The Prime Minister's declaration which we have quoted in the introductory paragraph of this memorandum also states clearly that.

> "In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government."

We recognise, however, that Parliament cannot now, once for all, completely divest itself of its ultimate responsibility. We

make no detailed proposals as regards this subject, but indicate our views in the following propositions.

(a) The machinery to be provided in the new Act for the further constitutional advance of India should not involve an inquiry such as that conducted by the Simon Commission.

(b) The Constitution Act should definitely give the power of initiating proposals for constitutional changes to the Indian Legislatures. Such proposals should be required by Statute to be placed before Parliament in appropriate form through the Secretary of State.

(c) The constitutional procedure required for implementing these proposals should not, except in a few strictly limited cases, involve Parliamentary legislation.

(d) Provisions analogous to those of Section 19 A of the present Government of India Act should be inserted in the new Act for the purpose of facilitating the devolution of authority by Parliament to the Indian Legislatures.

Our proposals are intended to secure that the process of further transfer of responsibility shall be continuous. We recognise that during an initial period, which in our opinion should not exceed ten years, certain provisions of the new Constitution must remain unaltered. We cannot, however, too strongly impress upon the Committee that unless the new constitution brings the realisation of a Government fully responsible to the Legislature within sight and its provisions are so framed as to render possible further constitutional progress by the action of the Indian Legislatures, political activity outside the Legislatures will continue to absorb important sections of the politically-minded classes in India.

37. We have not in this memorandum attempted to exhaust all the issues which the White Paper proposals raise. On the points which we have not specifically dealt with in the preceding paragraphs, we have expressed our opinion either individually or collectively in the course of the discussions or in the course of the cross-examination of the Secretary of State.

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LONDON,
17th November, 1933.

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APPENDICES.

Part II.

APPENDIX A.

1. In this section we propose to deal with the more important general criticisms directed against the basic structure of the White Paper scheme. We summarise below the principal points which have been raised in the evidence of critics such as Sir Michael O'Dwyer and Mr. Winston Churchill and in the newspaper campaign that has been carried on in this country for some time.

(a) The proposed All-India Federation is not an organic growth but an artificial creation.

(b) The Federal idea, which is an abstraction with no roots in the soil, was precipitately accepted by the Princes in their anxiety to safeguard their future which they thought was threatened by the 1929 declaration about Dominion Status.

(c) The Provinces must first become political entities before the necessary conditions for bringing a Federal constitution into being can arise.

(d) There has been a sensible deterioration in the services transferred to responsible Ministers under the Montagu-Chelmsford scheme. There should, therefore, be a further

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Some of the Members of the Delegation were not able to examine the Appendices in their final form. It must not, therefore, be assumed that all the Delegates have endorsed every one of the statements in the Appendices though they all accept the conclusions in Part 1, subject to the dissents noted in a few cases.

period of probation during which all the Provincial services, except Law and Order, should be transferred subject to certain restrictions and safeguards.

(e) The transfer of all services except Law and Order in the Provinces would give the Indian responsible Ministers complete control over the admininistration and development of all the Nation-Building services and there should be no Central responsibility until and unless this experiment has proved a success.

The evolution of the Federal Idea.

2. The use of the expression "All-India Federation" in connection with the constitutional discussions has inevitably suggested analogies which are based on the genesis of federations in other parts of the Empire, in Europe and America, and which, as explained in para 6 of the Introduction of the White Paper, are not applicable to the peculiar conditions under which the Indian Constitution has evolved since Great Britain accepted responsibility for the Government of India. The first three criticisms referred to in the last para have a special appeal to British politicians who are accustomed to a gradual and natural growth of political institutions and have an almost instinctive and abhorrence or novelty or idealism in constitutional schemes. To answer these criticisms effectively it would be necessary to describe in some detail the various stages, spread over a period of 70 years, in the evolution of the present administrative and constitutional machinery of India. The Montagu-Chelmsford Report and the Simon Commission Report have described the process at some length and we shall merely draw the attention of the Committee to the Principal features of India's constitu-

tional development which have a direct bearing on the criticisms referred to in the last paragraph.

3 The Principal features of the Montagu-Chelmsford reforms were : —

(a) The demarcation of the Central and Provincial spheres of administration and legislation by means of a classification of subjects.

(b) An almost complete separation of the sources of Provincial and Central revenues and the definite recognition of the financial autonomy of the Provinces.

(c) A preponderant non-official majority at the Centre as well as in the Provinces, based on a widely elected franchise.

(d) Responsibility of the Executive to the Legislature in respect of certain subjects in the Provinces.

The degree of Provincial autonomy (we use the expression here in the sense of freedom from control by the Central Authority) attained under this system has not been generally recognized. The Central Government does not now exercise any control over Provincial expenditure except in respect of certain matters affecting All-India Services. The Budgets of Provincial Governments are not submitted either to the Government of India or to the Secretary of State for approval before they are presented to the Provincial Legislatures ; and Provincial solvency is ensured only by the indirect method of control over the Provincial borrowings which, it may be noted, has been retained under the White Paper Scheme.

As regards the administration of the transferred subjects there has been, of course, little or no control by the Central

Government, but even in respect of the reserved subjects the Government of India have in accordance with the recommendations of the Joint Select Committee of 1919 refrained from interference except perhaps in the domain of Law and Order, where intervention has been more frequent owing to subversive movements extending over the whole of India. Mainly as a result of the financial independence conferred on the Provinces, Provincial autonomy has already become as accomplished fact, and Provincialism has found expression in the Central Legislature even through official representatives in a form which the Central Government have often found extremely embarrasing.

4. The subjects classified as Central under the Montagu–Chelmsford reforms are more or less the same as those assigned to a Federal Government in western countries. A Central Government which discharges all the functions of a Federal Government elsewhere is thus already in existence. Central Legislation does not, of course, apply to the Indian States but the range of matters in which the States have realized their solidarity with British India is very extensive, and, as we shall show presently, by means of treaties, conventions, and usage a very close association with the Indian States in the sphere of administration has already been established.

(a) Defence and Foreign Affairs.

As regards Defence, the Indian States are guaranteed security from without and they share with British India the obligation for common defence. The external affairs of the States are also entirely in the hands of the Government of India and Indian States are for international purposes in extactly the same position as British India. "An Indian State cannot hold diplomatic or other official intercourse with any foreign power. India, of course, is a member of the League of Nations and at Geneva is

represented as a unit by a delegation which in practice includes the ruler of an Indian State."

(b) Railways.

The Government of India have complete control over the Indian Railways, one seventh of which run through Indian States. In respect of the stripes of territory over which the railways run in the Indian States, the Indian States have in most cases ceded civil as well as criminal jurisdiction. In addition to the British Indian railway system many States have their own railways which they themselves administer and control, but there is a considerable measure of control exercised by the Railway Board even in respect of these railways. They are subject to inspection by the Government of India and they generally follow the rules and regulations prescribed by the Railway Board.

(c) Currency.

Only eight out of 652 states have their own currency, but the currency and exchange policy has always been determined by the Government of India for the whole of India including the Indian States, for apart from other factors, economic necessities have forced the Indian states to adopt the currency policy of the Government of India.

(d) Posts and Telegraphs.

637 out of 652 Indian States have already accepted postal unity. i.e., they have agreed to the States being considered for postal purposes as part of British India and have accepted the administration of the Indian Posts and Telegraphs Department in respect of post offices within their boundaries. Out of the remaining 15, five have conventions under which they use British Indian Stamps over printed with the name of the State.

(e) Customs.

The States are not consulted in regard to tariff or customs policy, which under the Fiscal Convention is determined by the British Indian Central Legislature and the Governor General in Council, and customs duties levied by the Government of India have, of course, affected the whole of India including the inland States who form the vast majority of the Indian States. Indeed, the question of Maritime customs has been the subject of acute controversy during recent years and the Federal process has been carried so far that, in the opinion of the Butler Committee, the states have a real and substantial grievance which calls for remedy.

(f) Scientific Departments.

These subjects do not raise any controversial issues since the results of departmental research are available for British India as well as the Indian States. It may be noted, however, that in regard to one of the most important of these Departments, namely, the Council of Agricultural Research, the Indian States, have got definite representation though on a voluntary basis and some of them have actually made substantial contributions towards the expenditure of the Department.

(g) Taxes.

In regard to customs duties and the salt duty which contribute the bulk of the Central revenues of the present Government of India, the burden is shared by the residents of the Indian States as well as those of British India.

5. It will be evident from the preceeding analysis that in the domain of administration the process of federalisation has gone very far indeed. In respect of almost all the subjects to be classed as federal under the new constitution, namely, Defence

Foreign Affairs, Currency, Exchange, Railways, Posts and Telegraphs etc., there is now a common policy applicable to British India as well as the Indian States, determined by the same authority, namely, the Governor-General in Council who, in the case of Brititish India exercises his powers under the Government of India Act and in the case of Indian States, acts as the agent of the crown. There has, however, been no parallelism in the political development of the two halves of India. The Central Legislature which exercises a powerful influence on Governmental policy (and in the case of the Tariff actually determines the policy under the Fiscal Convention) contains an overwhelming majority of elected non-officials from British India but has no representatives of the Indian States. Administrative unity and the greater opportunities afforded to British India of influencing policy have necessarily given rise to a demand for a closer association of the Indian States with the Central Government. Many of the proposals that have been discussed in the past but which did not actually materialize are referred to in the following passage from the Montagu-Chelmsford Report.

"Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great princes resulted only in the ephemeral and purely honorific body known as the Councillor's of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes, and Lord Minto's scheme first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the

conferences which Lord Hardinge held with the Princes to consider questions of higher education in the States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order; and in responding to His Excellency's invitation, Their Highnesses the Maharajas of Gwalior and Indore also laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of the conferences further by utilising them for the purpose of discussing general questions affecting the States, as a whole; and His Highness the Gaekwar in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover only last year the claims of the States to be heard in matters of Imperial concern were signally recognized by the deputation of His Highness the Maharaja of Bikaner to the meeting of the Imperial Conference and the War Cabinet."

As a result of the recommendation made in the Montagu-Chelmsford Report, the Chamber of Princes was set up in February 1921. It is not an executive body and its functions are mainly deliberative, consultative, and advisory. It advises the Viceroy on questions referred to him and it also proposes for his consideration other questions affecting the Indian States generally or which are of concern either to the Empire as a whole or to British India and the States in common.

The enormous increases in customs duties since the introduction of the reforms and establishment of the Fiscal Convention, which, as we noted, introduced a measure of responsibility in respect of Tariff Policy, have tended to intensify the demand for a closer association of the Indian States with the Government

of India,. As the Butler Committee have pointed out, during Lord Reading's Viceroyalty a proposal was drawn up for the establishment of a *Zollverein*, an important feature of which the association of the representatives of the Indian States with the Indian Legislature in the determination of policy.

Individual Princes even before the publication of the Simon Commission Report made no secret of their desire to associate themselves with British India in a common federation. The following extract from a speech delivered by the Maharaja of Bikaner in 1929 is quoted in the Report itself :—

" I look forward to the day when a United India will be enjoying Dominion Status under the ægis of the King-Emperor and the Princes and the States will be in the fullest enjoyment of what is their due—as a solid federal body in a position of absolute equality with the federal provinces of British India."

6. The federal idea, i.e., the desire of the Princes for a closer association with British India for the determination of a common policy in respect of matters of common concern, is thus not of recent origin. It is the logical and inevitable result of forces which have been at work for over 70 years. If we rid our minds of notions and analogies suggested by the evolution of federations elsewhere, it will be clear that the White Paper scheme provides for little more than the formal association of the Indian States, in an administration which has already been almost completely federalized, but has been influenced predominently by British India. The scheme is, therefore, not an artificial creation but is a natural development of the policy announced in the Declaration of 1917. It was definitely foreseen and provided for by the authors of the Montagu-Chelmsford Report, as is evident from the following extract :—

"The gradual concentration of the Governments of India upon such matters (Defence, Tariffs, Exchange, Railways, Posts and Telegraphs, etc.) will, therefore, make it easier for the States while retaining the autonomy which they cherish in internal matters to enter into closer association with the Central Government if they wish to do so. But though we have no hesitation in forecasting such a development as possible the last thing which we desire is to tend to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developements of the future".

7. From this brief survey of the administrative and political developments in India, two conclusions emerge :—

(a) As a result of the rigid demarcation of Central and Provincial subjects and in particular of the complete separation of the sources of the Provincial and Central revenues Provincial autonomy is for all practical purposes an accomplished fact.

(b) In respect of the subjects to be classed as Federal under the new constitution, the administration has not only been centralized so far as British India is concerned but has actually been federalized. In other words, in the domain of administration the federal process is almost complete.

These two features of the Indian constitutional and administrative machinery furnish an almost complete answer to the criticisms based on the analogy of the growth of western federations. The conditions under which a federal constitution is emerging in India are fundamentally different from those which existed in Australia, Canada, the United States of America, and Germany before they adopted a federal constitution. In all these countries there existed a number of com-

pletely independent states which had control over their defence, their fiscal policy and all the subjects which are normally classed as federal. The necessity for a common defence and the economic advantages of a customs union or a common tariff wall were the two powerful forces which drove the States into a federal union. The British Indian Provinces can never be in the position in which the States of the Western federations were, for no scheme that we know of has ever suggested the devolution of Central authority on a scale which would make the Indian Provinces responsible for their own defence or their customs policy.

The problem in the case of the other federations was to bring into existence a common administration and to devise a constitutional system suitable for the administration of certain subjects on a federal basis. The task of the constitutional experts in respect of India is not the creation of a federal administration but merely the adaptation of the present constitution to suit the necessities of an administration which has been almost completely federalized, but which is influenced by one section of India. With all respect we venture to point out that the argument urged by the Simon Commission and the critics who have objected to the constitution of a federation simultaneously with the creation of autonomous provinces has no relevance to the Indian problem which confronts Parliament now.

Deterioration in Services.

8. We must now deal with the charge that there has been a sensible deterioration in the services transferred to responsible Ministers under the Montagu-Chelmsford scheme. This assertion has been made by Mr. Churchill before the Committee and forms the basis of a great deal of the press propaganda in this

country. When Mr. Churchiil was asked by Sir John Wardlaw Milne to justify the statement, Mr. Churchill refused to develop the subject further since "it would be painful to his Indian friends."

Though Mr. Churchill declined to give the source of his information or the facts on which he based his conclusions he explained that the deterioration he referred to was not in respect of personnel but in respect of the services rendered to the people. The only specific instances of deterioration that have been cited by the opponents of reforms in India are cases of embazzlement of money in municipalities, corruption is some of the Services, the supersession of two major Municipal Boards in Northern India, and the growth in the arrears of Municipal taxes in different Provinces. The principal Services transferred to ministerial control in the Provinces under the Montagu-Chelmsford reforms are :—

(a) Communications.
(b) Education.
(c) Medical relief and Sanitation.
(d) Agriculture and Industries.
(e) Local Self-Government.

9. **Communications.** As regards communications, it is universally acknowledged that there has been a tremendous improvement in the condition of the roads. We do not claim that the improvement is solely or even mainly due to ministerial direction. The greater interest shown in rural communications as a result of the pressure exerted by rural representatives in the Provincial Councils, the requirements of the rapidly developing motor traffiic, the constitution of an All-India Road Board,

financed by means of a tax on petrol, and other factors have all contributed to the very striking development in regard to transport facilities in India. Indeed, as Sir Charles Innes has pointed out in his evidence, the emergence of the motor bus which now reaches remote villages has been one of the important factors that have contributed to the growth of political consciousness in rural areas and to the magnitude of the mass movement that have been a feature of the political agitation during the last decade in India.

10. **Education.** In the following statement the number of educational institutions and the number of students attending them in 1921–22 and 1929–30 are given for comparative purposes.

Number of Institutions.

	1921–22	1929–30	Percentage increase.
(1) University Colleges ...	231	313	35·50
(2) Secondary Schools ...	8,987	13,152	46·34
(3) Primary Schools	160,072	204,094	27·50

Number of Students.

(1) Universities—			
(a) Boys...	58,066	94,025	61·93
(b) Girls...	1,529	3,141	105·43
(2) Secondary Schools—			
(a) Boys...	1,110,360	2,009,181	80·95
(b) Girls...	129,164	237,027	83·51
(3) Primary Schools—			
(a) Boys...	5,111,901	7,332,678	43·44
(b) Girls...	1,198,550	1,891,406	57·81

The Statement shows a very striking development in all classes of educational institutions. Particular attention may be drawn to the large number of students at the Universities. The figure for 1929–30 was nearly 100,000 and it has enormously increased since then. This figure is of particular interest with reference to Mr. Churchill's statement that 'the proportion of the intelligentsia in India is probably smaller in proportion to the amount of the population than in any other community in the world—far smaller than the proportion in western countries." Though the proportion of literates in India is comparatively very small, the number of those who have received higher education is astonishingly large. We have not been able to get accurate statistics as regards university education in the principal countries of Europe, but we believe we are correct in stating that the number of students at the Universities in British India is not only absolutely but relatively to the population greater than in some countries in the west.

11. Medical Relief and Sanitation. The developments in these Departments, as the figures given below show, have been almost as striking as in the case of education. The organisation of an efficient and fairly widespread agency for the prevention of epidemics has been a feature of the sanitary administration of many Provinces.

Medical and Public Health.

Expenditure (in crores of rupees.)

	1921–22	1929–30	Percentage increase.
(1) Provincial.—			
(a) Medical	2·85	·406	42·45
(b) Public health ...	1·41	2·62	85·81

(2) Muncipalities.*—			
(a) Medical	·67*	·93	38·81
(b) Water supply, drainage and conservancy ...	4·28*	5·84	36·44
(3) Local Boards.—			
Hospitals and Sanitation	1·09	2·02	85·32

Number of Hospitals and Patients Treated.

	1920	1929	Percentage increase.
(1) Hospitals.—			
(a) State...	407	546	34·15
(b) Local Authorities ...	2,655	3,807	43·39
(2) Number of Patients treated.	36,342,417	54,132,152	48·95

12. **Agriculture & Industries.** It is difficult by means of statistics to indicate the improvements that have been introduced in agricultural methods by Governmental action. For a detailed description of the activitities of the Provincial Departments of Agriculture, and of the Central Board of Agricultural Research, which was established as a result of the recommendations of the Linlithgow Commission, we must refer the members of the Committee to the official reports that are published annually. We may, however, give here one instance of the results achieved by the application of scientific research to agriculture. The imports of sugar into India until very recently were so heavy that the customs duties levied on sugar yielded Rs. 10·7 crores in 1930–31, i.e., nearly 23 per cent of the total customs revenue and over 10 per cent of the total net revenue of the country.

* Figures relate to 1920–21.

Owing to the introduction of improved types of sugar cane and the levy of protective duties, the production of sugar is growing so rapidly that it is estimated now that India will be completely self-supporting as regards sugar within the next three or four years.

The astonishing development of industries in India is generally admitted and in fact has caused some alarm in foreign countries. It is, therefore, unnecessary for us to give any figures, nor do we claim that this development is due to ministerial action in the Provinces. As we shall have occasion to state in a subsequent section of this memorandum, it is only the Central Government that can create the conditions necessary for the development of industries.

13. **Local Self-Government.** The principal services entrusted to local authorities in India are rural communications, elementary education, medical relief and sanitation. The statistics we have given above relate both to Provincial and local institutions. Judging by these, it is obvious that on the whole there has been a marked development. Emphasis has, however, been laid not so much on the development of the services entrusted to the care of these authorities, but rather on the alleged irregularities and cases of maladministration in some of the Provinces. We do not, of course, deny that there have been several failures, but such failures are, as the Simon Commission have pointed out, in no way peculiar to India and "they can be paralleled at various times in countries with a far greater experience of representative institutions". Nor have they been confined in India, to the Transferred Departments. There has not been in the history of the Indian administration during recent years such a colossal failure as the Bombay Back

Bay Reclamation Scheme, in which Lord Lloyd, who was then Governor took a personal interest and which has imposed a very heavy burden on the finances of Bombay for many years. We would draw the attention of the critics, who have sought to draw inferences regarding the competency of Indian Ministers from a few failures in local self-government to the report of the Back Bay Enquiry Committte,* and also to the reports of the Central Public Accounts Committee, which have brought to light serious irregularities even in the administration of departments not entrusted to responsible Ministers.

14. In the administration of local authorities since the Reforms, Indian Ministers have laboured under serious difficulties which can be traced directly to the attempts to carry out in its fullest implications the recommendations of Montagu-Chelmsford Report that "there should be the largest possible independence for local authorities of outside control". Before the Montagu-Chelmsford Reforms, there was in India nothing that could be recognized as local self-government of the British type. The principal administrative change that was made as a result of this recommendation in the Montagu-Chelmsford Report and its consequence have been fully described in the following passage from the Simon Commission Report:—†

"The principal administrative change made, in every province except the Punjab, was the substitution of an elected Chairman in almost every district and Municipality. This

*This Committee was appointed in 1926 by the Government of India to enquire into the Back Bay Reclamation Scheme. It was presided over by Sir Grimwood Mears, Chief Justice of the Allahabad High Court.

†Para. 350. Volume 1, Simon Commission Report.

measure, designed to carry out the policy of enlarging the sphere of self-Government by removing official control, in fact did far more than this; it radically altered the constitution of the local bodies and their relationship with the Provincial Government. The official Chairman had not merely been the presiding member, but actually the chief executive officer of the Local Board. In administering its affairs, he had never been entirely dependent on the Board's own staff. He combined in his person the authority of the highest revenue and the highest magisterial office in the district, and had in consequence at his command an army of other officials whose services he could and often did utilise in the discharge of his Local Board duties. His functions as Chairman of the District Board merely formed part of a varied complex the constituent parts of which fitted in with, and simplified the discharge of each other. His revenue and magesterial work took him to every corner of his charge, and these tours served at the same time to keep him in intimate touch — without any extra expenditure of time, money or effort,—with the requirements of local board administration."

"It seems to have been expected that an elected Chairman should not only take the place of the District Officer as presiding member, but should also, without pay and in such time as he could spare from his own affairs, be the chief executive officer of the Board, with such assistance as he might obtain from an ill-paid Secretary, little better than a minute clerk, and from the technical officers such as the engineer and medical officer."

It is not, therefore, surprising that there has been some loss of efficiency in some of the Provinces. The principal defects of the system introduced on the recommendation of the Montagu-

Chelmsford Report, are, as has been pointed out by the Simon Commission :—

(a) the absence of a "a class of skilled professional administrators who, while they follow the policy laid down by the elected representatives are at once their advisers and the instruments whereby their decisions are put into operation"; and

(b) the absence of a general system of grants-in-aid which in this country have been found to be more effective instruments of control than the exercise of statutory powers by the Central authority.

Political and financial difficulties have stood in the way of reforms in local self-government. The development of a system of grants-in-aid has been rendered impossible owing to the extreme financial stringency in the Provinces, for a grant-in-aid is very ineffective as a means of controlling local authorities unless it is substantial. The difficulties as regards the provision of efficient executive officers for the local authorities have been partly political and partly financial. The Collector of the District, who co-ordinates the work of all Departments, is obviously the most appropriate executive officer for the District Board, but so long as the Indian Civil Service is not completely controlled by responsible Ministers, political considerations will stand in the way of this important administrative development. The resources of the local authorities are quite inadequate for the employment of an executive agency as efficient as that which was under the control of the Collector of the District before the reforms. It may be noted in this connection that, as has been observed by the Simon Commission wherever (as in Madras) a system of grants-in-aid subject to inspection has been adopted, there has been very little loss of efficiency.

15. The difficulties of dealing with the local authorities who have been given extensive powers, which in some respects are wider than those possessed by similar bodies in this country or on the continent of Europe, will be appreciated by British politicians who are acquainted with the history of local self-government in this country in the first half of the 19th century. It is unnecessary for us to remind the members of the Committee of the formidable difficulties which Sir Robert Peel and other British statesmen had to encounter in the last century in reforming the police administration and other local services. Indian local authorities are very jealous of any interference with their newly acquired privileges and publicity is the only weapon on which the Central authority can rely. The system of surcharge has during recent years been introduced in several Provinces and the stricter audit which is now in force discloses irregularities which in the pre-reform days never became public.

The annual reviews of the administration of Muncipalities and local Boards which are issued, it may be noted under the instruction of the responsible Indian Ministers, have also during recent years been of a very critical nature, for it is obvious that public opinion has to be created to some extent before powerful and influential muncipalities, such as Benares, can be superseded by an exercise of the statutory powers. It is the extracts from these reviews that have furnished the critics of the White Paper Scheme with the material for their press propaganda. The following letter from Sir Alfred Watson, which appeared in the "Times" of 3rd June, 1933 summarises in a few sentences the true state of affairs :—

"Much is being made by those who oppose advance in India of extracts from the reports of the Provincial Govern-

ments on Local self-Government in India. These are held to be the condemnation of Indian control of Indian affairs. The point seems to be ignored that local self-Government is one of the transferred subjects in the hands of the Indian Ministers and that all these censures are those of Indians upon the administration of their own people; that does not support the contention that Indians are indifferent to inefficiency or corruption in Government. The level or Municipal government in India is low, and has never been anything else, but it is certainly improving under the watchful criticism of the Indians in whose hands its central control has been placed."

Central Responsibility.

16. We shall now deal with another contention which is the basis of the schemes put forward both by Mr. Churchill and Sir Michael O'Dwyer. It has been suggested that a scheme of provincial autonomy without central responsibility would give the responsible executive in the Provinces control over all the vital departments that affect the welfare of the masses and in particular over the so-called nation-building departments. Mr. Churchill stated that the administration of these subjects in vast Provinces should be regarded by the Indian politician as "a majestic task" and that he would not be prepared for a further transfer of responsibility until and unless this great experiment proved a success.

17. We deal elsewhere with the political and administrative objections to the reservation of Law and Order. Apart from political and other considerations, our assertion is that no Minister can accept real responsibility for the development of the nation-building services unless the policy in respect of

central subjects is also determined by a Ministry responsible to the people. The five principal nation-building services are :—

(a) Education ;
(b) Sanitation ;
(c) Medical Relief ;
(d) Industries ; and
(e) Agriculture.

As regards the first two, it is generaliy admitted that the only impediment in the way of rapid advance has been finance, for there has been no dearth of either teachers or of qualified medical practitioners in India. As has been made abundantly clear both by the Hailey Memorandum and also by the evidence of eminent administrators like Sir Charles Innes, the financial difficulty arises from the fact that the margin of taxation is how very small and the increased resources necessary for these services can be provided only by a revival and development of agriculture and industries. Now the principal methods by which the Government can create the conditions favourable to agriculture and industries are :

(a) Protective Tariff.

(b) Development of credit facilities.

(c) Transport facilities. (This is of special importance in India since the railway system is owned and very largely managed by the state); and

(d) Maintenance of a level of prices favourable for the development of industries and agriculture. (This, of course, is dependent on the currency policy of the country.)

In other words, the administration of these two departments is vitally connected with and in fact dependent on, the policy of the Government of India in respect of the traiff, banking, railway

and currency, which are, of course, Central subjects. We centure to doubt whether the Minister of any country would be prepared to accept responsibility for the development of agriculture and industries without control over the tariff, exchangs and currency policy of that country. It will be the function of the Central Government to create the conditions favourable for industrial and agricultural development by a tariff and currency policy suited to the country and for the the Provincial Governments to organise and build on the foundations laid. The prosperity of the agricultural classes, it is hardly necessary to point out, depends not only on the out-turn of their crops, but also on the prices they can secure for the commodities they grow. The results of laborious years of agricultural research and organisation might be completely destroyed by an unsound currency policy. It is superfluous, however, to labour the point at present when stablization of currency and prices with a view to the revival of agricultural and industrial prosperity is a live issue in most of the countries of Europe and America.

APPENDIX B.

India's Debt Position.

1. The following statement shows the debt and other interest-bearing obligations of the Government of India in England and in India, outstanding at the end of 31st March, 1933:

(a) In India—

	£ Millions Rs. Crores.
(1) Loans	446·9
(2) Other obligations (including Treasury Bills, Post Office Savings Bank Deposits, cash certificates, etc,) ...	258·5
Total in India ...	705·4

(b) In England:—		
(1) Loans	315·6	420·8
(2) War Contributions ...	16·7	22·3
(3) Capital value of railways annuities	47·0	62·7
(4) Other obligations ...	1·0	1·3
Total in England ...	380·3	507·1
Total in India and in England ...		1212·5

Interest yielding or productive assets.

(1) Capital chargeable to railways.		751·6
Other assets including advances to Provinces ...	217·3	968·9
(2) Cash, bullion and securities in Treasury ...		36·9
(3) Balance of unproductive debt, not covered by assets.		206·7
Total ...		1212·5

(2) From this statement emerge two facts which are of the very greatest importance to every British investor in Indian sterling loans and which cannot be given too much prominence in the political controversy that is raging in this country.

(1) In the first place it will be noted that five-sixth of India's debt is covered by productive assets, which are mainly state railways and irrigation works. We need hardly point out that the new constitution provides for the establishment of a Statu-

tory Railway Board with a view to the management of the Indian State Railway system on commerical principles, unhampered by political infuences in the day to day administration.

(2) In the second place it will be noted that the internal rupee debt of India is nearly $1\frac{1}{2}$ times the sterling debt. An appreciable portion even of the latter is held by Indian banks, insurance companies, and individual Indian investors. It is obvious that any measures of the future Government of India that would affect the stability of India's finances or its credit in England would have serious repercussions on India's internal credit.

(3) In this connection a word of explanation is required as to the position of India's internal rupee debt. Industrial development and investment are still in their infancy in India and the educated middle classes, as in France, invest a considerable portion of their Savings in Government securities, Post office savings banks, post office cash certificates and, in the case of Government servants, the provident funds. The following figures indicate the amazing growth of this form of investment, particularly during the last ten years.

	31st March 1923 Rs. Crores.	31st March 1933 Rs. Crores.
Post Office Savings 'Bank ...	23·2	... 42·6
Cash certificates ...	3·1	... 54·6
Provident funds ...	36·1	... 76·6

We have no recent figures of the number of persons who have invested money in the post office Savings Bank or the the Cash certificates but the Post Office Savings Bank deposi-

tors numbered 2,300,000 in 1929. The vast majority of the Government servants contribute a portion from their salary to the Provident funds and the number of persons who have invested in Post Office Cash certificates also probably runs into millions. These figures are of very great political significance since as is well known the upper and lower middle classes are the very section of the population who are most "politically minded" and among whom nationalist feeling finds expression in its most intense form. Any future Government of India which by its financial indiscretions endangers the financial stability or credit of the country would be very short-lived indeed, since it would have to meet the united opposition of all these classes including the enormous army of Government officers.

(4) We must now analyse, the unproductive debt (or, as it is sometimes described, the unallocated debt i. e. the portion of the debt not allocated to any productive assets such as railways) and attempt to discover the circumstances under which the present figure of Rs. 207 crores has been reached. In 1914 and 1915 there was no portion of the interest bearing debt which was not covered by actual assets *. This statement requires, some explanation for those who are not acquainted with the mysteries of India's accounting system. The figure of unproductive debt is, as has been observed from the statement in paragraph 2, arrived at by deducting from the total debt of India the amount which is allocated to railways and other commercial assets. The amount debited to one of these commercial departments, as for instance the railways, represents the capital actually expended on construction irrespective of

* This is based of paragraph 32 of the Memorandum on the financial separation of Burma, prepared by Sir Henry Howard and Mr. Nixon.

whether the amount so spent was found from loan funds or from current revenues. Thus, when a portion of the surplus revenues was spent on railway construction an addition was made to the railway debt and a corresponding reduction made in the unproductive or unallocated debt. Similary when sinking fund charges were provided for wiping out the whole debt including the railway debt the whole of the amount was shown as a deduction in the unproductive debt (except the small portion which by statute has to be applied towards the reduction of particular items of the debt). For instance, out of the 7 crores of rupees which are annually provided in the Government of India budget for reduction or avoidance of debt, over 5 crores relate to the railway portion of the debt but in the actual accounts the railway debt remains stationary while there is a corresponding reduction in the unproductive debt.

(5) Two causes have primarily contributed to the growth of unproductive debt since 1914-15. These are.

(a) The heavy deficits in the Indian budgets from 1918-23 amounting to Rs. 98 crores largely caused by the abnormal defence expenditure after the Great War.

(b) India's enormous contributions towards the expenditure by Great Britain on the Great War. These contributions amounted to £ 146·2* millions at the end of 1919-20. This figure does not include the expenditure on various special war services which have been estimated at £57 millions up to the end of 1921–22. It includes, however, the special war gift of £ 100 millions, which India gave in March, 1917. Of this sum £ 100 millions, nearly £ 75 millions were raised in India by

* The figures given in this section are taken from the official publication "India's contribution to the Great War", pages 160–1.

means of the war loans in 1917-18 while as regards the balance the Government of India took over the liability for interest on an equivalent amount of the British Government war loan.

If India's total contributions towards war expenditure and the interest paid on war borrowings had been utilised for wiping out the sterling debt, there would have been little or no sterling debt to-day for a substantial portion of the debt was incurred before the war, when the rates of interest were very low. Until recently these pre-war Indian sterling securities were quoted at rates very much below par.

We may incidentally refer here to the answer given by the Secretary of State to question No. 8405 put by Major Attlee. He stated that, out of the debt of £ 100 millions put up by India only about £16 millions were now outstanding. It is true that out of the £25 millions the liability for which the Government of India took over from His Majesty's Government, only £ 16 millions are now outstanding, but it is not correct to say that the sum of £75 millions borrowed in India by means of war loans has been repaid. The War loans raised in the years 1914-19 in India were in most cases short term loans which were converted or repaid by fresh borrowings in the subsequent years, either in England or in India.

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